

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GINA TORRES, et al,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:19-CV-1525-DDN
)	
CITY OF ST. LOUIS, et)	
al,)	
)	
Defendants.)	

Volume II
Zoom Videoconference Video Deposition of
L. SAMUEL ANDREWS
taken on behalf of the Defendants
September 8, 2020

INDEX

Questions By:	Page:
MS. MCGOWAN	283, 373
MR. DOWD	372

Reporter: Sara Alice Masuga, CSR, CCR
IL CSR No. 084-002993 MO CCR No. 1012

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
4 GINA TORRES, et al,)
5 Plaintiffs,)
6 vs.) No. 4:19-CV-1525-DDN
7 CITY OF ST. LOUIS, et)
8 al,)
9 Defendants.)
10 APPEARANCES:
11 On Behalf of the Plaintiffs:
12 Dowd & Dowd, PC
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17 (Via Zoom)
18 On Behalf of the Defendants:
19 City Counselor's Office
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22 1200 Market Street
23 City Hall Room 314
24 St. Louis, MO 63103
25 (Via Zoom)
26 Videographer: Lou Stemmler, CLVS

1 IT IS STIPULATED AND AGREED by and between
2 counsel for Plaintiffs and counsel for Defendants that
3 Volume II of the Zoom videoconference video deposition of
4 L. SAMUEL ANDREWS may be taken pursuant to the Federal
5 Rules of Civil Procedure, by and on behalf of the
6 Defendants on September 8, 2020, originating at the
7 offices of Masuga Reporting Service, 2033 Hiawatha
8 Avenue, St. Louis, Missouri, before me,
9 Sara Alice Masuga, Certified Court Reporter and Certified
10 Shorthand Reporter; that the issuance of notice is waived
11 and that this deposition may be taken with the same force
12 and effect as if all Federal Rules had been complied
13 with.
14 IT IS FURTHER STIPULATED AND AGREED that the
15 signature of the deponent is reserved pending completion.
16
17
18
19
20
21
22
23
24
25

1 EXHIBIT INDEX
2 Exhibit: Page:
3 Defendants' Exhibit B.....315
4 (Affidavit of Samuel Andrews)
5 Defendants' Exhibit C.....327
6 (L. Samuel Andrews' Report and Opinions)
7 Defendants' Exhibit I.....329
8 (Physical Evidence List)
9 Defendants' Exhibit J.....329
10 (Laboratory Report - Firearm Comparison)
11 Defendants' Exhibit K-2.....290
12 (Photo)
13 Defendants' Exhibit K-2-4.....288
14 (Screenshot taken during Vol. I of the deposition)
15 Defendants' Exhibit K-2-5.....288
16 (Screenshot taken during Vol. I of the deposition)
17 Defendants' Exhibit K-3.....306
18 (Photo)
19 Defendants' Exhibit N.....284
20 (Judgment of Modification)
21 Defendants' Exhibit P.....293
22 (32 Color Copies of Photos)
23 (Exhibits attached.)
24
25

1 VIDEOGRAPHER: We are on the record. This
2 begins File Number 1 in Volume II of the deposition
3 of L. Samuel Andrews in the matter of Gina Torres,
4 et al v. City of St. Louis, et al, which is Case
5 Number 4:19-CV-1525-DDN pending in the United States
6 District Court, the Eastern District of Missouri,
7 the Eastern Division. Today is September 8 of 2020.
8 The time is now approximately 4:07 p.m. Central
9 Daylight Time. This meeting is being held by
10 videoconference with the attendees appearing from
11 different locations.
12 May I ask counsel present to identify
13 themselves for the record, please.
14 MS. MCGOWAN: Erin McGowan for the Defendants.
15 MR. DOWD: Richard Dowd for Plaintiffs.
16
17 L. SAMUEL ANDREWS produced via Zoom
18 videoconference, sworn, and examined as a witness on
19 behalf of the Defendants testified as follows:
20
21 CONTINUED DIRECT EXAMINATION
22 BY MS. MCGOWAN:
23
24 Q. Good afternoon, Mr. Andrews. We're back for
25 the second day of your deposition. We last spoke to you

<p style="text-align: right;">Page 284</p> <p>1 on August 11, 2020. And I wanted to begin by asking,</p> <p>2 have you provided Mr. Dowd with an updated report or a</p> <p>3 updated affidavit since we spoke on August 11, 2020?</p> <p>4 A. No, I don't think so.</p> <p>5 Q. And before we dive back into things, sir, I</p> <p>6 wanted to ask, have you ever been diagnosed with any type</p> <p>7 of mental disorder?</p> <p>8 A. No. I'm married to a psychologist, though.</p> <p>9 You could always consult her.</p> <p>10 Q. Have you ever been found by a medical</p> <p>11 professional to suffer from narcissistic personality</p> <p>12 disorder?</p> <p>13 A. Not one I find credible, that's for sure.</p> <p>14 Q. Okay. I'm going to pull up an exhibit, bear</p> <p>15 with me.</p> <p>16 MS. MCGOWAN: Can everyone see a document</p> <p>17 titled, "In The Family Court of St. Louis County,</p> <p>18 State of Missouri"?</p> <p>19 THE REPORTER: (Nodding.)</p> <p>20 MS. MCGOWAN: Has that shown up yet?</p> <p>21 THE REPORTER: (Nodding.)</p> <p>22 MS. MCGOWAN: Okay.</p> <p>23 (Questions by Ms. McGowan)</p> <p>24 Q. Sir, do you --</p> <p>25 THE WITNESS: I see it.</p>	<p style="text-align: right;">Page 286</p> <p>1 Q. All right, sir --</p> <p>2 MR. DOWD: My motion to strike.</p> <p>3 Q. Sir, do you recognize this document?</p> <p>4 A. I sure do.</p> <p>5 Q. Okay, what is it?</p> <p>6 A. It looks like a document from a bogus attempt</p> <p>7 of my ex-wife to gain custody of our children.</p> <p>8 Q. All right. And is it true that you are</p> <p>9 referred to throughout this document as the father?</p> <p>10 A. Yes, I think so.</p> <p>11 Q. And true you were examined by</p> <p>12 Dr. Sharon Lightfoot in connection with these divorce and</p> <p>13 child custody proceedings; correct?</p> <p>14 A. I was given a test. I wouldn't say gi- -- I</p> <p>15 wouldn't say examined by any stretch of the imagination.</p> <p>16 MR. DOWD: Say that again?</p> <p>17 THE WITNESS: I said I was given a couple of</p> <p>18 tests, but I wasn't examined by her.</p> <p>19 MR. DOWD: Okay.</p> <p>20 THE WITNESS: I --</p> <p>21 Q. All right.</p> <p>22 THE WITNESS: -- took an MMPI-2 and I took a</p> <p>23 Rorschach test.</p> <p>24 Q. Okay, sir, would you agree that</p> <p>25 Dr. Sharon Lightfoot diagnosed you as suffering from</p>
<p style="text-align: right;">Page 285</p> <p>1 Q. -- have you seen this document before today?</p> <p>2 MR. DOWD: I'm going to --I'm going to --</p> <p>3 A. I've seen --</p> <p>4 MR. DOWD: I'm going to --</p> <p>5 A. I've seen --</p> <p>6 MR. DOWD: -- object. Wait a minute. I'm</p> <p>7 going to object and move to strike any questions</p> <p>8 along this line. The purpose of this, us agreeing</p> <p>9 to give you two more hours, was for you to finally</p> <p>10 get around to asking him about his opinions and</p> <p>11 his -- and his investigation, not for you to go</p> <p>12 digging around in his background and come up with</p> <p>13 new documents.</p> <p>14 MS. MCGOWAN: Oh --</p> <p>15 MR. DOWD: You could've --</p> <p>16 MS. MCGOWAN: -- I had this document prepared</p> <p>17 prior to August 11 and Sara would have had a copy</p> <p>18 before then, so --</p> <p>19 MR. DOWD: You could have --</p> <p>20 MS. MCGOWAN: -- this was --</p> <p>21 MR. DOWD: -- had --</p> <p>22 MS. MCGOWAN: -- planned prior.</p> <p>23 MR. DOWD: You could have had this back before</p> <p>24 that deposition.</p> <p>25 (Questions by Ms. McGowan)</p>	<p style="text-align: right;">Page 287</p> <p>1 narcissistic personality disorder?</p> <p>2 A. No, as a matter of fact, I wouldn't agree with</p> <p>3 that and any professional in the industry would tell you</p> <p>4 that you can't diagnose someone from an MMPI or a</p> <p>5 Rorschach test and she -- she did that, she -- she made</p> <p>6 some claims in court, but they weren't valid.</p> <p>7 Remember, I'm married to a psychologist. I</p> <p>8 actually know the process for diagnosing someone.</p> <p>9 MR. DOWD: Mr. Andrews, please just limit your</p> <p>10 answers to the questions so we can get through these</p> <p>11 two hours quickly and get to --</p> <p>12 THE WITNESS: Roger that.</p> <p>13 MR. DOWD: -- get to the pertinent --</p> <p>14 pertinent information.</p> <p>15 Q. Okay. All right. Now, turning to I'm going</p> <p>16 to pull up a screenshot that we previously looked at.</p> <p>17 Okay.</p> <p>18 MS. MCGOWAN: Can everyone see a shot of the</p> <p>19 door and the bedroom wall?</p> <p>20 THE WITNESS: Yes.</p> <p>21 (Questions by Ms. McGowan)</p> <p>22 Q. Okay. All right, sir, on August 11, 2020, do</p> <p>23 you recall taking a look at this screenshot?</p> <p>24 A. I do.</p> <p>25 Q. All right. And directing your attention to</p>

Page 288

1 the area circled in red, was it your testimony that this
 2 was a exit hole or an entry hole?
 3 A. Well, I think I tried to originally determine
 4 by looking at the photograph which was which, but I think
 5 I came back to you and said that I think it's impossible
 6 from the photographs to definitively say one way or the
 7 other.
 8 MS. MCGOWAN: And let's go ahead and mark this
 9 Exhibit -- looks like I've got this Exhibit K-2-5.
 10 (At this point, Defendants' Exhibit K-2-5 was
 11 marked for identification.)
 12 MS. MCGOWAN: And moving on. And is everyone
 13 able to view now a different screenshot depicting
 14 the same area?
 15 THE WITNESS: I have the same original one
 16 that you posted.
 17 MS. MCGOWAN: Okay. All right. Is that
 18 appearing a new photo?
 19 THE WITNESS: I see a new photo now.
 20 MS. MCGOWAN: Okay. Let's go ahead and label
 21 this Exhibit K-2-4.
 22 (At this point, Defendants' Exhibit K-2-4 was
 23 marked for identification.)
 24 (Questions by Ms. McGowan)
 25 Q. And, Mr. Andrews, I believe your testimony was

Page 290

1 (At this point, Defendants' Exhibit N was
 2 marked for identification.)
 3 (Questions by Ms. McGowan)
 4 Q. All right. And, sir, I believe you testified
 5 when we last spoke that you believed there to be
 6 approximately 15 exit holes on the bedroom door when
 7 viewed from the front living room; is that true?
 8 A. I recall a number around 14, 14 exit holes, I
 9 think.
 10 Q. And you recall approximately 12 on the living
 11 room wall to the left of the bedroom door; is that
 12 accurate?
 13 A. I don't know that they're exit holes. I
 14 wouldn't say that. There's holes there, but I don't
 15 think you can determine from the photographs if they're
 16 entry or exit without being physically at the location.
 17 MS. MCGOWAN: I'm going to pull up another
 18 exhibit here. Please bear with me. This may be...
 19 THE WITNESS: We're getting some lightning
 20 here, so if something blinks, it's probably the
 21 storm where I'm at.
 22 (Questions by Ms. McGowan)
 23 Q. All right. Sir, directing your attention to
 24 Exhibit K-2, which we viewed back on August 11, I believe
 25 it was your testimony that day that you observed 12 exit

Page 289

1 on August 11, 2020, that this was a exit hole?
 2 A. I don't recall and, once again, I don't think
 3 from these -- the poor quality of what you're showing me
 4 on the screen that there's any way to be definitive. I
 5 think we'd have to be on site with a laser and be able to
 6 look at both sides of the wall.
 7 Q. All right, so, you're not able to say as you
 8 sit here today whether the hole depicted in Exhibit K-2-4
 9 is an exit or an entry?
 10 A. Not from the photograph here. I could if I
 11 was standing next to the wall and looking on both sides.
 12 Q. And it's true that you don't have any
 13 documentation that would tell you whether or not you
 14 determined this to be an exit or an entry?
 15 A. I didn't mark any of the holes as exit and
 16 entry.
 17 Q. You don't have any documentation that would
 18 tell you that; correct?
 19 A. Yeah, I didn't record any exit and entry holes
 20 by location or by number.
 21 MS. MCGOWAN: And I have to do a little
 22 housekeeping. I've neglected to give the last
 23 document we looked at an exhibit label. Let's mark
 24 the document we looked at first, the one titled
 25 Judgment of Modification, as Exhibit N.

Page 291

1 holes on the wall next to the door. Is that incorrect?
 2 A. I don't think -- You said on the wall or the
 3 door?
 4 Q. Oh, I apologize. On the wall next to the
 5 door. Let me get over here.
 6 A. You just asked me that question. That's --
 7 That's been asked and answered.
 8 Q. And your answer for the wall was 14?
 9 A. No, for the door.
 10 Q. Okay. And the wall, how many exit holes --
 11 A. Well, like I say --
 12 Q. -- is it in your opinion coming through the
 13 wall?
 14 MR. DOWD: Let me -- Let me object. It's
 15 evidence -- It's facts that are not in evidence in
 16 terms of exit holes on that wall.
 17 Q. Sir, do you want me to reask the question?
 18 A. No, you've asked the question now and I've
 19 told you from the pictures that you're showing me,
 20 it's -- it's not likely to accurately be able to
 21 determine if they're entry or exit holes without
 22 physically being at the location and being able to see
 23 both sides of the wall.
 24 Q. And, so, you're unable to testify today as to
 25 which holes are exit and entries?

4 (Pages 288 to 291)

Page 292

1 A. I'm unable to testify about this picture.
 2 Q. What information would you need aside --
 3 A. I just --
 4 Q. -- from being physically present at the
 5 location to tell us whether or not these are exit --
 6 A. You --
 7 Q. -- or entry holes?
 8 A. You'd have to see the path with a laser and
 9 you'd have to determine -- the exit holes are generally
 10 larger than the entrance holes, particularly through
 11 plaster like this, so you'd want to know the path of the
 12 bullet and then be able to measure both sides of the
 13 wall.
 14 Q. Did you use a laser in rendering your opinions
 15 in this case?
 16 A. I did use -- I did use a laser.
 17 Q. On what date did you use a laser?
 18 A. The first day I was there, the day after the
 19 shooting.
 20 Q. And you don't have any notes documenting your
 21 inspection on that day; correct?
 22 A. I don't think so. I -- I -- I did write some
 23 things down, but I'm not sure. It's been two and a half
 24 years. I just -- Maybe longer. I just don't remember
 25 where they are or what I wrote down. It's been too long.

Page 293

1 Q. Did you take any photographs on the date of
 2 your first visit documenting --
 3 A. Well --
 4 Q. -- your inspection?
 5 A. -- there was a -- there was a photographer
 6 there that took many, many, many photographs as I walked
 7 around and inspected.
 8 Q. And you don't have custody of those
 9 photographs; correct?
 10 A. I -- I don't have custody of them. I may have
 11 some copies of them.
 12 Q. Did you rely on those photographs in rendering
 13 any of your opinions in this case?
 14 A. No, I relied on my physical inspection while I
 15 was there.
 16 MS. MCGOWAN: Moving to another exhibit.
 17 Please bear with me. It's going to be a bit
 18 document-heavy.
 19 (Questions by Ms. McGowan)
 20 Q. All right, sir, I'm showing you now a group of
 21 photographs.
 22 MS. MCGOWAN: Let's go ahead and label this as
 23 exhibits Defendants' Group Exhibit P. It's a group
 24 of 32 photographs. And I want to start with
 25 photograph number 17 out of that batch.

Page 294

1 (At this point, Defendants' Group Exhibit P
 2 was marked for identification.)
 3 (Questions by Ms. McGowan)
 4 Q. Do you recognize this photo?
 5 A. I do.
 6 Q. Okay. What is it?
 7 A. It's a picture of my right hand holding a
 8 digital caliper measuring a 9 millimeter bullet hole in a
 9 wall.
 10 Q. All right. And next photo, do you recognize
 11 that?
 12 A. Yes.
 13 Q. Okay. What is it?
 14 A. It's a picture of a caliper that I was holding
 15 measuring a 9 millimeter bullet hole in the wall.
 16 Q. All right. Do you know what date these
 17 photographs were taken?
 18 A. I don't know, but I think it was the second
 19 time that I visited the residence with Mr. Dowd.
 20 Q. And who took these photos?
 21 A. I suspect Mr. Dowd did with his camera.
 22 Q. All right. I'm going to flip through a few
 23 more. Do you recognize the photos that we're looking at
 24 in Exhibit P?
 25 A. I sure do.

Page 295

1 Q. All right. Did you take any of these
 2 photographs?
 3 A. No, I was the one holding the caliper doing
 4 the measuring.
 5 Q. How long were you on the scene that day?
 6 A. Probably four hours.
 7 Q. How many photos did Mr. Dowd take?
 8 A. You'd have to ask him, I'm sorry.
 9 Q. Did you create any kind of inventory of the
 10 photographs taken?
 11 A. No.
 12 Q. Why not?
 13 A. Well, I was more interested in the evidence
 14 than inventories and lists.
 15 Q. So, you have no documentation that would show
 16 what photographs were taken that day?
 17 A. Well, I'm -- I -- I believe that the Dowd law
 18 firm e-mailed me or threw some type of electronic file to
 19 my e-mail where I could get into a cloud and look at
 20 these. I believe I've had access to the photos through
 21 the cloud or through a share -- file sharing software.
 22 Q. How many photos were you provided access to by
 23 Dowd & Dowd?
 24 A. In -- Taken by Dowd or -- or in total?
 25 Q. In total, how many were --

5 (Pages 292 to 295)

Page 296

1 A. Well, I was gi- --
 2 Q. -- you given access to?
 3 A. I was given hundreds of photos taken by
 4 St. Louis City PD and given I would say more than 20
 5 photos, 15 or 20 taken that I recognize as being taken by
 6 the Dowd law firm or Richard in this case.
 7 Q. Did you ensure that all the proper photographs
 8 were taken that day to substantiate your conclusions?
 9 A. What I did was I asked Mr. Dowd to photograph
 10 evidence that I thought was significant to the type of
 11 fire and the direction of fire and the calibers fired on
 12 that day in that house.
 13 Q. Have you ever received proper training on
 14 generating a chain of custody on evidence?
 15 A. Proper chain of custody? Specifically, I
 16 understand you don't want to contaminate a field, you
 17 don't want to contaminate an area, but the chain of
 18 custody was so poorly done in this -- in this scene that
 19 I'm not sure that -- that anybody was trained in how all
 20 this stuff was handled.
 21 MS. MCGOWAN: I want to move to strike as
 22 nonresponsive.
 23 (Questions by Ms. McGowan)
 24 Q. Sir, have you, yourself, taken any training on
 25 generating a chain of custody?

Page 298

1 documentation where you recorded the number of bullet
 2 holes at the scene?
 3 A. No, I do not.
 4 Q. By 2019, you had formally been retained by the
 5 Dowd & Dowd law firm; correct?
 6 A. I'm not sure when the date was. I would
 7 imagine it was early 2019.
 8 Q. And I'm correct in that you did not take
 9 measurements of every hole you deemed to be an entry
 10 hole; is that right?
 11 A. I think initially, on my first visit, I had a
 12 set of calipers, a light, a laser. I think I did measure
 13 every single hole I could find looking for -- I was
 14 looking for a .311 hole to exonerate the SWAT team.
 15 Q. And you don't have any documentation that you
 16 can refer to that will tell you the measurement of every
 17 entry hole you identified?
 18 A. No, I just kept finding .223 and -- and -- and
 19 9 millimeter holes and kept moving onto the next hole
 20 looking for a .311 hole.
 21 Q. So, you're not in any position to tell us each
 22 measurement for each hole?
 23 A. Not unless you want to go back to the scene
 24 and have me remeasure them.
 25 Q. And true that you did not make trajectory

Page 297

1 A. Yeah, I believe in college I had a little bit
 2 of training on forensics.
 3 Q. In what context?
 4 A. It was -- It was a science -- It was like in
 5 the science program, part of the curriculum. It was just
 6 a week or so, but I definitely understand the principles
 7 of chain of custody from my quality engineering
 8 experience at Mark Andy and I believe I had some training
 9 in that respect as well.
 10 Q. How many holes did you count at the scene,
 11 bul- -- and by "holes," I mean bullet holes -- regardless
 12 of them being exit or entries?
 13 A. Well, I could say just in general. I don't
 14 have a specific number, but I could say there was --
 15 there was over I want to say 70 or 80 holes.
 16 MR. DOWD: I'll object. It calls for
 17 speculation.
 18 A. Yeah, I just don't know for sure. I can't --
 19 Q. Sir --
 20 A. -- give you a good number.
 21 Q. Sir, as you sit here today, you're not able to
 22 tell me how many holes there were that appeared to be
 23 ballistics damage at the scene?
 24 A. Not exactly, but there were more than 50.
 25 Q. And just to be sure, you don't have any

Page 299

1 determinations for each hole, right?
 2 A. No, that's not true. My original visit I did
 3 check the trajectory of every hole I could find.
 4 Q. Every hole?
 5 A. Every single hole, including the ones in the
 6 floor in the living room.
 7 Q. And did you document those findings?
 8 A. You asking in writing, did I write down the
 9 findings?
 10 Q. Yes.
 11 A. No, no.
 12 Q. Okay. Did you document them in any other way,
 13 via photograph, video --
 14 A. Yeah, I had --
 15 Q. -- recording?
 16 A. -- I had -- I had a -- a person following me
 17 around named Sid, who was a photographer, photographing
 18 every single hole that I looked at, every piece of brass
 19 that I picked up.
 20 Q. Did you --
 21 A. She followed me most of the day. He or she.
 22 Q. And you do not have those photographs in your
 23 possession, right?
 24 MR. DOWD: Object --
 25 A. I might have --

6 (Pages 296 to 299)

<p style="text-align: right;">Page 300</p> <p>1 MR. DOWD: Object to --</p> <p>2 A. I might have them.</p> <p>3 MR. DOWD: -- vague. Objection. Vague as to</p> <p>4 "possession."</p> <p>5 Q. Do you have those photographs within your --</p> <p>6 A. I may --</p> <p>7 Q. -- control?</p> <p>8 A. I may have copies of the photographs on a --</p> <p>9 on a -- on a drive somewhere. I haven't looked.</p> <p>10 Q. Did you review those photographs in offering</p> <p>11 your opinions in this case?</p> <p>12 A. No, you asked me that question. My opinions</p> <p>13 are based on what I physically saw in three inspections</p> <p>14 of the home in person.</p> <p>15 Q. And you're relying on your memory in giving</p> <p>16 your testimony here today; true?</p> <p>17 A. I think most of us do.</p> <p>18 Q. Okay. And you'd agree that memories can be</p> <p>19 imperfect; correct?</p> <p>20 A. Of course.</p> <p>21 Q. Now, turning back to Exhibit P --</p> <p>22 MS. MCGOWAN: Sara, is it possible to give</p> <p>23 Mr. Andrews control of the document?</p> <p>24 (At this point, an off-the-record discussion</p> <p>25 was had.)</p>	<p style="text-align: right;">Page 302</p> <p>1 front through the bedroom door and this mark clearly</p> <p>2 shows that and it matches up with a hole in the door.</p> <p>3 Q. So, it's your testimony that the bullet hole</p> <p>4 depicted in Page 20 of Exhibit P traveled through the</p> <p>5 bedroom door?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. With -- All right, turning to Page 23, this is</p> <p>8 a different bullet hole; correct, sir?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. All right. Do you know the trajectory of this</p> <p>11 bullet hole?</p> <p>12 A. This is another .22 that came through the door</p> <p>13 and hit the wall towards the front of the house.</p> <p>14 Q. Okay. And where is this located?</p> <p>15 A. It's on the wall. As you walk in the front</p> <p>16 door of the home, it's on the wall to the right. It's on</p> <p>17 the -- It's -- It's the exterior wall of the home, but</p> <p>18 the inside of that wall to the right of the front door</p> <p>19 before you get to the bedroom door of the deceased.</p> <p>20 Q. Okay, turning to Page 27 of Exhibit P, this is</p> <p>21 a fourth bullet hole; correct?</p> <p>22 A. It's different than the previous two .22</p> <p>23 caliber holes, yes.</p> <p>24 Q. And can you tell me the trajectory of the</p> <p>25 bullet in this image?</p>
<p style="text-align: right;">Page 301</p> <p>1 (Questions by Ms. McGowan)</p> <p>2 Q. Sir, I'm going to go ahead and flip through</p> <p>3 Pages 17 and 32, let you take a look at these.</p> <p>4 Okay. Sir, would you agree that Pages 17</p> <p>5 through 32 of Exhibit P document your measurements of</p> <p>6 only four distinct bullet holes?</p> <p>7 A. It's hard to tell. I would -- I would say</p> <p>8 there's definitely a 9 millimeter hole being measured and</p> <p>9 there's several .22 caliber holes being measured.</p> <p>10 Q. All right. Can you tell me the trajectory of</p> <p>11 the bullet hole depicted in Exhibit P, Page 17?</p> <p>12 A. Not from a photograph.</p> <p>13 Q. All right. Moving on to Page 20, Exhibit P,</p> <p>14 are you able to tell us the trajectory of the bullet hole</p> <p>15 depicted in Exhibit P, Page 20?</p> <p>16 A. You know, this is one that I remember quite</p> <p>17 clearly because it came through the bedroom door from</p> <p>18 inside the bed from the back of the house, through the</p> <p>19 bedroom, through the door, and then hit this wall. I</p> <p>20 know exactly where this -- this photograph is and I</p> <p>21 remember measuring this mark because it was so clearly</p> <p>22 cut through the wallpaper and --</p> <p>23 Q. Where is --</p> <p>24 A. Someone fired a .22 caliber rifle from the</p> <p>25 back of the house or from the bedroom out towards the</p>	<p style="text-align: right;">Page 303</p> <p>1 A. Yeah, this -- this bullet was similar to the</p> <p>2 previous two as it came from the back of the house</p> <p>3 through the bedroom door and then hit this wall at an</p> <p>4 angle between the -- the front bedroom door and the front</p> <p>5 door of the home.</p> <p>6 Q. Okay. So, it's your testimony that this</p> <p>7 bullet traveled through the front door?</p> <p>8 A. No, it's my testimony --</p> <p>9 Q. Or the -- Or the -- the front --</p> <p>10 A. -- that --</p> <p>11 Q. -- the -- the bedroom door, excuse me, the</p> <p>12 bedroom door?</p> <p>13 A. Yeah, the bedroom door closest to the front of</p> <p>14 the home.</p> <p>15 Q. All right, sir, did you reach a conclusion --</p> <p>16 it may seem obvious at this point, but did you reach a</p> <p>17 conclusion as to whether there was a gun fired from</p> <p>18 inside the bedroom?</p> <p>19 A. I found no evidence of an AK shooting bullets</p> <p>20 of a .311 diameter being fired from the bedroom. I found</p> <p>21 evidence of 14 rounds of .223 being fired from the back</p> <p>22 of the house traveling through airspace in the bedroom,</p> <p>23 penetrating the bedroom door closest to the front door</p> <p>24 and then fragmenting on the wall where you saw those</p> <p>25 previous photos.</p>

Page 304

1 Q. And aside from the ballistics evidence we've
2 already discussed in this case, what did you base that
3 on?
4 A. Well, I found brass in the back of the house,
5 .223 brass that wasn't documented by St. Louis' evidence
6 technicians, and I found .223 holes in the bedroom door,
7 entry holes on the inside and exit holes on the side
8 closest to the front door and with a laser traced them to
9 the wallpaper and then I measured a .223 bullet impact on
10 the wallpaper, so there's several pieces of evidence that
11 all point the same direction, literally.
12 Q. Bear with me for one moment.
13 Sir, did you perform roadmapping of this death
14 investigation?
15 A. Can you repeat the question, please? You --
16 Something rattled and I didn't hear the question.
17 Q. Did you perform what's known as roadmapping of
18 this death investigation?
19 A. What's the word before investigation?
20 Q. Roadmapping.
21 A. No, I heard roadmapping. Between roadmapping
22 and the word right before you said investigation.
23 Q. Death investigation.
24 A. Death investigation? No, I didn't perform any
25 roadmapping.

Page 305

1 Q. Have you ever performed it before?
2 A. Sure.
3 Q. What is it?
4 A. Roadmapping is where you document, trace the
5 path of a bullet as it proceeds through the air through
6 media like doors and walls and people, things like that.
7 You're basically mapping trajectories on
8 documentation and a lot of people do it with 3D software,
9 some people do it in 2D, but it's more effective in 3D.
10 Q. Sir, what was your methodology for determining
11 the trajectory of the holes?
12 A. Using a laser.
13 Q. And can you take me through step by step how
14 you did that?
15 A. Well, I like to get as far away from the hole
16 as I can and I want -- as the physics of the surrounding
17 area allow and I like to shine a laser through the hole.
18 And when I get the largest, roundest imprint on the
19 surface on the opposite side of the hole, I have achieved
20 my ma- -- my maximum precision in alignment of the laser.
21 And then we, in this case, we were going through doors
22 and going through walls looking at the laser finishing on
23 a window frame. We were going through the door looking
24 at it finishing on the side walls. The laser would
25 terminate at the bullet impact on the wall.

Page 306

1 Q. Anything else?
2 A. No, that does a pretty good job of it.
3 Q. And it's your testimony that you performed
4 that process on your first trip out to the site?
5 A. Yes.
6 Q. And did you perform that process for each and
7 every bullet hole?
8 A. Every one I could find.
9 Q. And, of course, the door was not present when
10 you were there on June 8; correct?
11 A. No, the door -- the door wasn't there. They
12 had taken the door. They had ta- -- Actually, they had
13 taken the -- the front door. The back door to the
14 bedroom was still there.
15 Q. And did you make use of any ballistic
16 trajectory equations in making your trajectory
17 determinations?
18 A. At -- At such short distances, there's no
19 reason for trajectory equations. The bullet drop is
20 almost unmeasurable at these close distances.
21 Q. Bear with me again while I pull up another
22 image.
23 Okay. Now, Mr. Andrews, I'm showing you
24 what's been previously marked as Exhibit K-3. And you
25 recognize this photo; correct?

Page 307

1 A. Yes, ma'am.
2 Q. Okay. As you sit here today, are you able to
3 provide us your trajectory determination for any of the
4 bullet holes visible in this exhibit?
5 A. I don't understand what you mean by provide
6 you trajectory. What did you say exactly?
7 Q. Your determinations of the trajectory of the
8 bullets.
9 A. From this photograph, there's no way to
10 establish an exact trajectory, but if you rehung the door
11 and closed the door, we could surely do that.
12 Q. Okay. Have -- Have you done that?
13 A. No, I haven't rehung the door. What I did do
14 is I shined a laser through some of the holes on the
15 wall, actually all of the holes on the wall, and some of
16 the larger 9 mil. holes that you can see the window to
17 the right of the doorknob, so the far edge of the frame
18 some of the 9 mil. holes trace back to an impact on the
19 frame just a few inches above the lower far corner of the
20 window frame. I do recall those from memory.
21 Q. Did you make any attempt to determine whether
22 the shooter was -- where the shooter was located when the
23 bullets were fired from the bedroom?
24 A. I never saw clear evidence of bullets being
25 fired from the bedroom.

8 (Pages 304 to 307)

Page 308

1 Q. What do you mean by that? Would -- And I can
 2 rephrase. Strike that.
 3 What would you have expected to find if
 4 bullets were fired from the bedroom?
 5 A. I would have expected to find powder residue
 6 if the bullets were close to the wall. I would have
 7 expected to find brass. I found brass everywhere that
 8 St. Louis City didn't find and bullets and holes that
 9 weren't marked and I -- I would have suspected they would
 10 have missed something because the bedroom was quite
 11 messy.
 12 Q. Sir --
 13 A. And --
 14 Q. -- did you find any shell casings within the
 15 living room?
 16 A. I found -- I found four outside and one back
 17 by the kitchen.
 18 Q. Sir, did you find any shell casings in the
 19 living room?
 20 A. Not that I recall.
 21 Q. Sir, did you find any shell casings in the
 22 bedroom?
 23 A. Not that I recall.
 24 Q. And I'm not sure if you answered my question.
 25 Did you make any attempt to determine whether the

Page 309

1 shooter -- where the shooter was located in the bedroom?
 2 A. Well, I didn't find any evidence of someone
 3 shooting from the bedroom. I looked for it. I just
 4 couldn't find any.
 5 Q. And correct me if I'm wrong, but you testified
 6 earlier that shots were fired through the door into the
 7 wall to the immediate right when you entered the front
 8 door; did I understand that correctly?
 9 A. Yes, ma'am.
 10 Q. Okay. How is it that shots were fired through
 11 the bedroom door, but there was no -- you have no
 12 evidence or found no evidence of a shooter firing from
 13 within the bedroom?
 14 A. Because the bullet impacts on the wall trace
 15 back to the center of the door in the rear of the bedroom
 16 and, so, it's entirely possible that that door was open
 17 and the shooter was significantly out of the bedroom when
 18 they were pulling the trigger.
 19 Q. So, it is your testimony that the shooter was
 20 on the other side of the bedroom towards the back of the
 21 house?
 22 A. If you -- You see the picture you have up
 23 right now?
 24 Q. Yes.
 25 A. You see the door? So --

Page 310

1 Q. Of course, yes.
 2 A. -- if you were to walk through that door
 3 straight from where this picture was taken, on a left
 4 diagonal on the rear wall of the bedroom is another door
 5 that -- that opens to the hallway in the home and the
 6 bullets were on a line to be consistent with that door as
 7 well. All of these bullet impacts on the right side on
 8 the wall between the front door and the bedroom door are
 9 consistent with a line that leads to the back door of the
 10 bedroom.
 11 Q. Did you find any ballistics damage on the back
 12 door of the bedroom?
 13 A. No, ma'am.
 14 Q. Is it your opinion that there was a shooter
 15 located in or near the back bedroom door that caused the
 16 damage visible on the --
 17 A. It's my opinion that someone fired multiple
 18 .223 rounds from the diagonal line through the back door
 19 of the bedroom from the back of the house through the --
 20 through the front door of the bedroom that hit the wall
 21 on the right that we can see in this picture. It's clear
 22 as day.
 23 Q. Did you include that opinion in your report?
 24 A. I don't -- I don't believe so.
 25 Q. Did you include that opinion in your

Page 311

1 Affidavit?
 2 A. I don't believe so.
 3 MR. DOWD: Do you have your report there?
 4 THE WITNESS: I don't have it here. I'd have
 5 to go through it again. It's been so long since
 6 I've looked at any of that that I honestly don't
 7 recall what's in the report exactly.
 8 Q. Sir, if I represented to you that that opinion
 9 was not included in your report, would you disagree with
 10 me?
 11 A. No, because I tried to stick to the things
 12 that were significant like the fact that they're .223 in
 13 diameter. To me that's more -- much more significant
 14 than the placement of the shooter's feet when he fired
 15 the shots. I tried to keep the report concise and
 16 readable, include what was significant and I thought --
 17 Q. Well --
 18 A. -- the fact that they're .223 is highly
 19 significant.
 20 Q. Let me ask you this: Were you able to
 21 determine a viable shooting solution in terms of the
 22 number of rounds that were fired, the number of spent
 23 casings, the number of projectiles recovered at the
 24 scene?
 25 A. Well, you have to remember I came after the

9 (Pages 308 to 311)

Page 312

1 scene was cleaned up, so what I had to look at were
2 permanent fixtures, walls, windows, window frames, doors,
3 sofas. You know, I had fixtures to look at. I didn't
4 have placards and brass laying everywhere. I didn't get
5 to look at the maga- -- the 9 mil. magazine under the
6 sofa or --

7 Q. Sir, I don't think you're answering my
8 question. Were you able to determine a viable shooting
9 solution in terms of the number of rounds fired, spent
10 shell casings, number of projectiles? I'm just looking
11 for a "yes" or "no" here.

12 A. In general, yes. Specifically to the round
13 count with a perfect number, no. There were a lot of
14 rounds fired.

15 Q. Did you include that information in your
16 report?

17 MR. DOWD: Objection. His report is -- is the
18 best evidence of what's in it.

19 Q. What was the viable shooting solution you
20 determined?

21 A. Are you asking me to provide you a solution of
22 what happened with all the rounds being fired? Would
23 you --

24 Q. Yes.

25 A. -- like to hear my take on that?

Page 314

1 A. I believe they manipulated evidence
2 significantly.

3 Q. Okay. And, again, what are you basing that
4 on?

5 A. Rounds coming from the back of the house that
6 are .223 in caliber. Rounds coming from outside the
7 house into the house that are .223, okay? The fact that
8 they claimed so many rounds were fired from this AK and
9 yet they only had ten casings all dif- -- of different
10 headstamps and every other weapon found on the scene had
11 boxed ammo that was all made by the same manufacturer,
12 but yet just for the AK they had rounds -- he had rounds
13 of different headstamps and that the round count that
14 they claim he fired doesn't match the ballistic evidence
15 that they presented in a number of shell casings and
16 there's no .311 holes anywhere and there's no holes on
17 the wall behind where the officers said the wall that was
18 behind them as .311 bullets were supposedly whizzing past
19 them. I mean, these are all huge problems. And, so, as
20 I look at the -- the -- the totality of all this and the
21 fact that there was no blood on the gun at all and
22 looking at the box that the gun was in, I believe the
23 evidence was dramatically manipulated.

24 Q. Now, sir, we'll come back to this. Right now
25 I want to ask you some questions about your opinions that

Page 313

1 Q. Yes.

2 A. I think there's two possible scenarios. One
3 is that a police officer fired and triggered sympathetic
4 firing from a lot of other officers. Someone obviously
5 fired 14 or 15 rounds with a .223 based on the video
6 evidence and I believe that those are the doors that came
7 through the wall -- through the bedroom door and hit the
8 wall that's in this picture and they were fired from the
9 back of the house. I found a .223 shell back there on
10 the floor. And no evidence was shown by St. Louis City
11 PD of anything being fired from the back of the house or
12 anything being fired from outside, yet I found brass that
13 matches the brass on the inside of the home on the
14 outside of the home and, so, someone shot through the
15 window from the outside of the home through the bedroom
16 window that you can see here, someone shot from the back
17 of the house with a 5.56 weapon system, the evidence is
18 crystal clear to that effect, and either all these shots
19 were fired because of sympathetic reactions or a much
20 worse scenario where the -- where the -- the scenario was
21 staged by officers. And with the box being taken out the
22 back and thrown away and with blood being wiped up, I'm
23 leaning towards the fact that they staged this scene.

24 Q. Okay. So, it's your opinion in this matter
25 that the officers staged the scene?

Page 315

1 are based on the cell phone video in this case. Let me
2 go ahead and pull up your Affidavit.

3 Okay. Sir, are you able to see Exhibit B on
4 your screen?

5 A. I can see my Affidavit.

6 Q. All right. So, in your Affidavit on Page 11,
7 I believe, you state that you cannot hear the police --
8 Well, let me back up. Did you review a cell phone video
9 recording taken by a passerby in rendering your opinions
10 in this case?

11 A. Yes, ma'am.

12 Q. Did you refer to that cell phone video in your
13 Affidavit as the Broccard video?

14 A. I do.

15 Q. Okay. You state in Paragraph 11, "In
16 listening to the Broccard video you would clearly
17 hear" -- Well, let me back up. In Paragraph 11, you
18 state, "The officers in their reports contradict who
19 announced police search warrant."

20 A. Yes, I did.

21 Q. "When an officer 'yells police search warrant'
22 it is established that they are five time's normal
23 volume. In listening to the Broccard video you would
24 clearly hear that if they announced it while they were
25 outside the house as they claim because you can clearly

10 (Pages 312 to 315)

<p style="text-align: right;">Page 316</p> <p>1 hear it at the (sic) 3:50-3:58 time frame of the video 2 after all of the shooting has stopped." So, you seem to 3 say in your Affidavit that you cannot hear the police 4 announce themselves as police prior to breaching the 5 door. Is that your opinion? 6 A. I'm saying they did not announce. It's not on 7 the video -- 8 Q. What is your -- 9 A. -- until after the shooting. 10 Q. What's your basis for that opinion, is that 11 based solely on your review of the video? 12 A. Well, no, it's based on the fact that the 13 officers contradicted each other on who announced and the 14 fact that you could hear gates rattle and other small, 15 quiet sounds, but you couldn't hear a whole team yell, 16 "Police, search warrant," it's just not credible. 17 Q. Okay. 18 A. And -- 19 Q. You're ba -- You're basing that upon your 20 review of video when you say that you cannot -- you 21 cannot hear the officers announce themselves? 22 MR. DOWD: Objection. Vague. Time frame. 23 Q. When you state you cannot hear officers 24 announce themselves before the deployment of the flash 25 bang, you are basing that upon your review of the video,</p>	<p style="text-align: right;">Page 318</p> <p>1 A. Yes, yeah, they -- they did not announce 2 before the -- before the flash bang. 3 (Questions by Ms. McGowan) 4 Q. Okay. And the video itself is your only basis 5 for that opinion; correct? 6 A. No, it's also their testimony in deposition. 7 Q. Okay. Well, some of the -- the officers 8 testified pretty uniformly that they did announce 9 themselves prior to the flash bang, so I'm just a -- 10 A. No, they di- -- 11 Q. -- little confused -- 12 A. -- they did not testify -- 13 Q. -- who -- 14 A. -- uniformly. I don't agree with that 15 statement at all. 16 Q. Are you relying on any other evidence aside 17 from the deposition testimony and the cell phone video 18 for your opinion that you cannot hear the officers 19 announcing themselves prior to deploying the flash bang? 20 A. No, those are the two main things that I rely 21 upon to draw that conclusion. 22 Q. What equipment did you use to watch the cell 23 phone video? 24 A. I have a very expensive Bose sound system -- 25 Q. And --</p>
<p style="text-align: right;">Page 317</p> <p>1 right? 2 A. I said I based it on the review of the video 3 and the fact that they contradicted themselves on who 4 announced and when. 5 Q. Okay. But certainly you aren't drawing 6 opinions from the officers' deposition testimony about 7 what you can and can't hear, that's based upon your 8 review of the cell phone video, right? 9 A. Well, I'm basing it on what was and was not 10 said -- 11 Q. Right. 12 A. -- not just what can be heard on the video. 13 Q. But, sir, you understand that there's no -- 14 And I guess I'm confused. I mean, certainly your -- your 15 testimony is that -- 16 A. Well, don't be confused. I raised two sons. 17 When -- When they tell me different stories, I know at 18 least one of them is lying. 19 Q. When you watch the cell phone video, it's your 20 testimony that you cannot hear the officers announce 21 themselves before the flash bang is deployed, right? 22 MR. DOWD: I object again. Are you talking 23 about before the shooting or after the shooting? 24 MS. MCGOWAN: I said before the flash bang. I 25 limited it in time.</p>	<p style="text-align: right;">Page 319</p> <p>1 A. -- that -- that allows me to listen to things 2 in real high fidelity and I can turn the volume up to the 3 point where it's uncomfortable for the human ear but 4 crystal clear. I'm -- 5 Q. And -- 6 A. -- ac- -- Go ahead. 7 Q. -- what is the -- the make and model of your 8 Bose sound system? 9 A. Well, Bose is the make, okay? And I also 10 have -- I also have some JBL monitors. I can walk in the 11 other room and give you the make and model if you like. 12 They're called -- They're called monitors. They're for 13 sound studios to analyze sound and they're extremely high 14 quality devices. They -- They are made specifically to 15 accurately replicate sound. I can get you the mo- -- 16 name and model number if you give me two minutes to drop 17 my headphones. 18 Q. No, I've got a -- I've got a few more 19 questions. Let's do these first. So, is that a -- when 20 you say "monitor," what kind of equipment is that? 21 A. It's -- It's called a studio monitor. 22 Q. Okay. 23 A. It's what professionals use to analyze sound 24 when they're mixing music or they're analyzing evidence. 25 They're made specifically to accurately reproduce the</p>

<p style="text-align: right;">Page 320</p> <p>1 frequencies that are on a recording. 2 Q. Go ahead and show them to us. 3 A. You want me to grab one? 4 Q. Yes, please. 5 A. Hold on just a second. I'll grab one. 6 (At this point, there was a brief pause in the 7 proceedings.) 8 A. Okay, let me see if I can get this. So, we 9 use a pair of these when we analyze sound signatures. 10 There's the front. 11 Q. I can't -- Can you read that to me? 12 A. It says JBL. I'll show you the back that 13 gives you the model number. It's an LSR308. Can you see 14 that now? 15 MR. DOWD: Yep. 16 Q. I do see that. So, what you're holding is a 17 speaker; correct? 18 A. Not -- Not a -- Not a stereo speaker. It's -- 19 It's a sound monitor for recording. It's what you use in 20 a studio to analyze sound. 21 Q. And, so -- 22 A. It's -- 23 Q. -- how -- how did you play the cell phone 24 video when you analyzed it, how was that played? 25 A. Well, it's played through some sound software.</p>	<p style="text-align: right;">Page 322</p> <p>1 A. Yes. 2 Q. -- use any other equipment to analyze -- 3 A. Do I need -- 4 Q. -- the cell phone video? 5 A. Do I need -- Do I need to take my whole sound 6 room apart? 7 MR. DOWD: No. 8 A. You know what I might -- 9 MR. DOWD: No, just let -- let her ask the 10 questions. 11 THE WITNESS: I'm sorry. 12 Q. So, we've covered all of the equipment that 13 you used to analyze the cell phone video recording? 14 A. Yeah, I listened to them through JBL monitors. 15 I also have headphones that I use. 16 Q. What kind of headphones do you use? 17 A. I've been using these lately. I have 18 Logitechs; I have Bose. Would you like to see my -- my 19 good set of headphones? 20 Q. What headphones are you currently using? 21 A. I'm using the Logitechs. This is what I do 22 radio shows with. 23 Q. Okay, and what model are they? 24 A. I don't know. 25 Q. Okay. And going back to the JBL monitor, what</p>
<p style="text-align: right;">Page 321</p> <p>1 Q. On what device? 2 A. On my computer. On a -- 3 Q. So -- 4 A. On a Windows computer. 5 Q. So, you were playing -- 6 MR. DOWD: Object to questions as being vague. 7 Q. So, you were playing the cell phone video 8 on -- on your computer. What -- What kind of computer? 9 MR. DOWD: Objection. Relevance. 10 A. It's a Dell Inspiron. 11 Q. All right. And then the sound is emitted from 12 what, is it emitted from your computer speakers? 13 A. From the monitor that I just showed you. 14 Q. And the monitor is hooked up to then what 15 equipment? 16 A. The monitor is hooked up to the computer. 17 Q. Will you hold that up one more time? 18 A. Yeah. 19 Q. And will you flip it around? 20 A. (Witness complying with counsel's request.) 21 Q. Okay. So, describe how this process works. 22 You play the cell phone video on your Dell computer and 23 the sound is emitted through that; correct? 24 A. Yes. 25 Q. Do you use any other equipment? Did you --</p>	<p style="text-align: right;">Page 323</p> <p>1 is the difference between a monitor and a speaker? 2 A. Well, they're both -- they're both speakers. 3 Technically, they both use magnets and cones and 4 electrical signals to reproduce sound. The difference 5 between a monitor and a speaker is a high quality stereo 6 speaker is made to enhance the sound of the music, so 7 it's a three-way speaker that splits the signal into 8 three bands and runs the signals to various cones made to 9 enhance and give the listener the ability to tune the 10 sound, raise the treble, lower the midrange, increase the 11 bass, whatever they want. A studio monitor is made for 12 one purpose and one purpose only; to reproduce the 13 recording exactly the way it is with all its flaws, with 14 all its good and bad points and to not shade the color or 15 sound in any way. And, so, they're designed differently 16 and they're used for different purposes. One's used for 17 listening pleasure, the other is used for analyzing 18 sound. 19 Q. Do you make any use of audio software in your 20 review of the cell phone video? 21 A. I do. 22 Q. And what is that? 23 A. You know, I don't -- I'll have to -- I'd have 24 to get my computer and software out and look at it. I've 25 been using it for so long, I don't even remember the</p>

Page 324

1 name. But I have the ability to look and analyze
 2 frequencies and look at the timing, the length of sound
 3 signals, that type of thing. It even lets, if I want to,
 4 I can tune the pitch. I can change the pitch. Like
 5 let's say you were singing and you sang 5 cents flat. I
 6 can click on the sound signal, move the curve of the
 7 sound wave and make it in perfect tune.
 8 Q. How long would it take you to look at what
 9 software you are using?
 10 A. Probably about five, six minutes.
 11 Q. Okay, why don't we do that when we go on --
 12 A. On a break?
 13 Q. -- break.
 14 A. Okay.
 15 Q. In your review of the cell phone video, did
 16 you hear the officers say anything before the flash bang
 17 is deployed?
 18 A. You could hear -- You could hear voices and
 19 you could hear -- I think you heard some footsteps, I
 20 think you heard a chain -- a chain link fence rattle.
 21 You could hear some things, but, you know, everything was
 22 kind of quiet as they walked up to the house. They
 23 weren't trying to make a lot of noise. They typically
 24 don't when they're about to make entry. You want to be
 25 discreet.

Page 325

1 Q. Would you agree that there is a car radio
 2 playing at the beginning of the cell phone video?
 3 A. Certainly -- It certainly could be.
 4 Q. Okay. As you sit here today, you wouldn't
 5 agree or disagree that --
 6 A. I don't -- I don't recall. I mean, we --
 7 we've got the file. We can just listen to it if you
 8 like.
 9 Q. So, where exactly where -- where exactly was
 10 the cell phone video recorded?
 11 A. It looked to me like -- You mean the person
 12 doing the recording, where were they standing; is that
 13 your question?
 14 Q. Yes.
 15 A. It looked to me like they were right across
 16 the street in a car or next to a car. I recall -- I
 17 think I recall seeing a window frame from a vehicle, so
 18 they were probably -- they may have been in their vehicle
 19 with the window open.
 20 Q. Would the location of the person recording the
 21 video matter in your analysis?
 22 A. It would if they were too far away to pick up
 23 the sound. But if you can hear -- if you can hear chain
 24 link fences rattle, I mean quiet sounds from fences being
 25 moved and footsteps, it's -- it's picking up a lot.

Page 326

1 Q. How many feet away from the Torres/Hammett
 2 residence was the person who was recording the cell phone
 3 recording?
 4 A. I would guess 30 feet across the street minus
 5 the width of the car plus the depth of the front yard, so
 6 probably 80. Seventy-five to a hundred feet, somewhere
 7 in that range.
 8 Q. Was there any movement of the cell phone
 9 during the shooting event?
 10 A. Of course. Nobody can hold a cell phone
 11 perfectly still.
 12 Q. Can you recall, based on your observation,
 13 what were the officers' voices saying before the flash
 14 bang went off?
 15 A. I'd have to review the video.
 16 Q. So, you agree that the officers can be heard
 17 saying something at --
 18 A. I'm not -- I'm not going to agree to anything
 19 unless we review the video here. I mean, we've got the
 20 video; let's play it.
 21 Q. Sir, when is the last time you reviewed the
 22 video?
 23 A. When I was prepping for the deposition. It
 24 was supposed to happen months ago.
 25 Q. Sir, have you had any hearing test performed

Page 327

1 in the last three years?
 2 A. No, but I'm a musician and I hear quite well.
 3 Q. What do you play?
 4 A. I play the piano and I play the guitar.
 5 Q. Do you suffer from any hearing loss?
 6 A. I don't.
 7 Q. How do you know that?
 8 A. Well, I operate my instruments through a very
 9 broad range of frequencies and I hear every pitch. There
 10 isn't a note on the piano I can't hear and it covers a
 11 range. I also have a -- I also have bass guitars that
 12 play quite low and I hear them quite well, so I really
 13 don't think I have any hearing loss.
 14 Q. All right. I now want to turn back to your
 15 report.
 16 A. Can you give me a moment to set this monitor
 17 down?
 18 Q. Yes.
 19 MR. DOWD: You're fine.
 20 (At this point, there was a brief pause in the
 21 proceedings.)
 22 Q. All right, sir, on Page 11 of your report,
 23 which we previously marked Exhibit C, you state, "The
 24 Sporter Semi-Automatic 7.62 caliber rifle that was
 25 legally owned by Mr. Hammett was never tested to

13 (Pages 324 to 327)

Page 328

1 determine if it had been recently fired that day." Is it
2 your opinion that the Inter Ordnance rifle was never
3 tested?

4 A. No, I can't -- I can't testify to a negative.
5 I mean, the -- the rifle was taken in and out of evidence
6 like six or seven times, so obviously somebody did some
7 things with it.

8 Q. What tests would you expect to have been
9 performed to that rifle to determine if it had been fired
10 that day?

11 A. Well, I would have liked -- I would have liked
12 to have seen a gunpowder residue test on the stock. I
13 would have liked to have seen rifling marks analyzed on
14 the bullets that were supposedly recovered. Most of them
15 were destroyed to the point where they couldn't be
16 analyzed. Now, that's a whole nother issue, but. I
17 would have at least expected to see the gun when I
18 inspected it to be in a fired condition, which it wasn't.

19 Q. What do you -- I'm sorry to interrupt you.
20 What do you mean by that?

21 A. The gun was cleaned and lubricated by a
22 professional. It was the slickest AK I'd ever had in my
23 hands.

24 Q. Are you aware whether any test shots were
25 fired from the Inter Ordnance Sporter rifle?

Page 330

1 A. I think so.

2 Q. What is it?

3 A. Looks like a lab report from test -- they're
4 claiming they fired some test shots and it also lists
5 some of the evidence that was supposedly collected at the
6 scene.

7 Q. Okay.

8 MR. DOWD: Can you let him take a look at it?
9 There you go.

10 MS. MCGOWAN: Sure.

11 MR. DOWD: Okay.

12 THE WITNESS: I read pretty fast. I got it.

13 MR. DOWD: Okay.

14 (Questions by Ms. McGowan)

15 Q. Okay. Are you familiar with the findings in
16 this report?

17 A. You mean the conclusions?

18 Q. Yes.

19 A. You could show me the conclusions. I don't
20 recall. This looked like a list of activity. I didn't
21 see any conclusions. Do you see conclusions on this
22 report?

23 Q. I'm not under oath today, sir.

24 A. Well, where would the conclusions be? I don't
25 see any conclusions on this report.

Page 329

1 A. I would assume in a situation like this they
2 would fire test shots, but I can't say one way or the
3 other if they did or not. I didn't see any evidence of
4 the test shots.

5 Q. And bear with me, I'm just pulling up other
6 documents.

7 Sir, have you seen this document before today?

8 A. I've seen something similar to that. It may
9 have been this document.

10 MS. MCGOWAN: Let's go ahead and mark this as
11 Defendants' Exhibit I.

12 (At this point, Defendants' Exhibit I was
13 marked for identification.)

14 Q. Did you rely upon this document in forming any
15 of your opinions in this case?

16 A. I don't think so.

17 Q. And, sir, can I direct your attention to this
18 Laboratory Report.

19 MS. MCGOWAN: Let's mark this as Defendants'
20 Exhibit J.

21 (At this point, Defendants' Exhibit J was
22 marked for identification.)

23 (Questions by Ms. McGowan)

24 Q. Sir, have you reviewed Exhibit J prior to
25 today?

Page 331

1 Q. Sir, this document is 180 pages. Do you
2 need -- Have you reviewed this report prior to today?

3 A. I think I have. I think I read through it
4 months ago.

5 Q. Okay. What is it?

6 MR. DOWD: Objection. Asked and answered.

7 A. It looks like firing pin analysis. It looks
8 like some ballistic projectile analysis. It looks like
9 various things trying to match a weapon to some of the
10 things that were entered into evidence.

11 Q. Do you believe that this report has any
12 bearing on your opinion that the Inter Ordnance Sporter
13 model was never fired that day?

14 MR. DOWD: Objection. Overly broad and vague.

15 A. I don't understand that question. Could you
16 rephrase, please?

17 Q. Did you review this report prior to rendering
18 your opinions in this matter?

19 A. I think I did review this report. I recall
20 some of the pictures.

21 Q. Do you think the findings in this report have
22 any bearing on your opinion that the Inter Ordnance
23 Sporter model was never -- rifle was never fired on
24 June 7, 2017?

25 MR. DOWD: Object. Overly -- Object to the

14 (Pages 328 to 331)

Page 332

1 form. Overly broad and vague.
 2 Q. Sir, did -- I'm sorry, did you want me to
 3 repeat the question?
 4 A. Sure.
 5 Q. Okay.
 6 A. Kind of lost -- Kind of lost my train of
 7 thought when Mr. Dowd objected.
 8 Q. Do you believe that the findings in this
 9 report have any bearing on your opinion that the Inter
 10 Ordnance Sporter model rifle was never fired that day?
 11 MR. DOWD: Same objections.
 12 A. If they were trustworthy, if this lab had any
 13 credibility, I would think that they would, but
 14 considering what I've seen so far in the last several
 15 years, I'm not sure I give this lab a whole lot of
 16 credibility.
 17 Q. Are you -- You aren't familiar with the
 18 findings in this report, are you, sir?
 19 A. I see -- I see some of the findings. I mean,
 20 I recall it. I mean, we can go over them if you'd like
 21 to. Specifically point out what finding you're talking
 22 about 'cause there's a --
 23 Q. Okay.
 24 A. -- lot of information in this report. It's
 25 180 pages.

Page 333

1 Q. Right, and did you review the 180 pages prior
 2 to rendering your opinions in this case?
 3 A. I'm sure I reviewed this, this report, months
 4 ago. I answered that question about five minutes ago.
 5 Q. Okay. And as you sit here today, can you
 6 describe what the findings are in this report?
 7 MR. DOWD: Same objections.
 8 A. There's so many different pieces of
 9 information in this report. Can you be more specific?
 10 Q. Okay.
 11 A. Do you want me to pick one of the 400
 12 findings? I mean, I don't understand.
 13 Q. Did you, yourself, ever examine the 7.62 by 39
 14 millimeter cartridge cases that were recovered from the
 15 case --
 16 A. I did.
 17 Q. -- under a microscope?
 18 A. I did. Not under a microscope, but I did. I
 19 took a look at them. You have pictures of me analyzing
 20 them.
 21 Q. Why -- Why not, why didn't you conduct that
 22 examination?
 23 MR. DOWD: Why didn't he what?
 24 A. Why didn't I conduct the -- analyze the -- the
 25 ballistic evidence under a microscope?

Page 334

1 Q. Correct.
 2 A. Because, to me, having the gun checked out of
 3 evidence seven times means that that evidence could have
 4 been created in the lab and fired. Those -- Those cases
 5 that they match up could have been fired in the lab. You
 6 know, it's just, I mean, when you have five to seven
 7 people checking a rifle out of evidence and doing various
 8 things with it, there's no -- I mean, the chain of
 9 evidence is so corrupted, how could anything in this
 10 report be consistent, reliable, or -- or credible?
 11 Q. Sir, what is your basis for saying the chain
 12 of custody was corrupted?
 13 A. Well, how many people get to handle a rifle
 14 and take it and shoot it before you say, okay, we've now
 15 can no longer analyze the rifle in the state that it was
 16 in when they -- when he supposedly used it to shoot at
 17 the place. We can -- We can no longer analyze the
 18 statement of the grandfather saying that the rifle was
 19 jammed and wouldn't function. I mean --
 20 Q. Sir --
 21 A. -- when -- when you have --
 22 Q. -- is it --
 23 A. -- multiple -- And I'm still answering your
 24 question. When you have multiple people taking a rifle
 25 out and shooting it and sticking it back into evidence

Page 335

1 and cleaning it and doing various other things with it,
 2 how can you trust anything that shows up three years
 3 later?
 4 Q. Sir, is it your opinion that it is not
 5 standard to perform test -- to fire test shots from a gun
 6 recovered from a crime scene?
 7 A. It is absolutely standard for an -- for a lab
 8 technician to check a rifle out of evidence and fire some
 9 test shots. It's not standard to have five, seven
 10 different people handle that weapon.
 11 Q. What is your basis for saying that five to
 12 seven people handled this weapon?
 13 A. Well, if you're familiar with the evidence
 14 procedures at St. Louis City PD, you'll notice that if
 15 the evidence box is cut open, it's then sealed with a
 16 different color of tape. Look at how many different
 17 colors of tape are on the evidence box with the AK-47.
 18 Look at the chain of custody, all of the different people
 19 that are in the record checking this rifle out and doing
 20 something with it and there's no accounting as to what
 21 they did with the rifle. It just got taken out of
 22 evidence, it got put back in evidence. And there's a
 23 couple of things where, okay, we fired some test rounds
 24 where a couple of people said we did this or that, but
 25 there's no record, complete record of what was done every

15 (Pages 332 to 335)

Page 336

1 time this rifle was taken out of evidence.
 2 Q. What people checked the rifle out of evidence?
 3 A. It's right in the report.
 4 Q. Okay. Sitting here today, do you know who
 5 checked the rifle out of evidence?
 6 A. I think we'd have to go through the report and
 7 start listing the names. There's -- I don't know these
 8 people personally. It was just a lot of people. As I
 9 reviewed the report, I was aghast at how many people had
 10 handled this rifle after it was put in evidence.
 11 Q. How many based on the reports? You have --
 12 So, sir, is your testimony that you believe multiple
 13 people handled the rifle based on --
 14 A. Yes.
 15 Q. -- tape on the box?
 16 A. Yes. Well, no, based on -- on the report
 17 itself and the tape on the box.
 18 Q. What reports are you referring to?
 19 A. The -- The laboratory. Here's the lab report.
 20 There's a chain of custody report as well. Mr. Dowd
 21 would have to dig that up for you, but there's a chain of
 22 custody report on this rifle as well.
 23 Q. And it's your opinion that the individuals who
 24 took the rifle out did so improperly?
 25 A. No, I didn't -- I didn't say they took them

Page 337

1 out improperly. I said there's no accounting as to why
 2 so many people handled this piece of evidence. And
 3 that's a question for St. Louis City PD, not for me.
 4 Q. So, I guess you seem to be suggesting that the
 5 chain of custody of the rifle was corrupted and you seem
 6 to be saying that it's due to the number of people who --
 7 who handled the rifle. What is your basis for concluding
 8 that different lab personnel or personnel with the PD
 9 corrupted the chain of custody?
 10 MR. DOWD: Objection. Misstates his prior
 11 testimony. You can answer if you understand.
 12 A. Could you rephrase the question? I'm not sure
 13 I understand what you're getting at.
 14 Q. Sure. Sir, I understand your testimony to be
 15 that you believe that the rifle was compromised because
 16 there was a problem with the chain of custody. Am I
 17 understanding you correctly?
 18 A. I believe way too many people handled this
 19 evidence.
 20 Q. Who were those people?
 21 A. You just asked me that. I told you I don't
 22 know them by name.
 23 Q. Or can you say based on --
 24 A. It's in --
 25 Q. -- your review of the documents --

Page 338

1 A. It's -- It's --
 2 Q. -- whether --
 3 A. -- in the --
 4 Q. -- they were -- Sir --
 5 A. It's in --
 6 Q. -- let me finish my question. Sir, can you
 7 say whether or not they were employees or agents of the
 8 City Police Department?
 9 A. I would assume they were employees of the
 10 Police Department based on --
 11 Q. And --
 12 A. -- the report.
 13 Q. What is your basis for concluding that any of
 14 the handling of the rifle was improper?
 15 A. Well, normally on -- on the chain of evidence
 16 with a -- with a weapon system, you're going to perform
 17 two tests. You're going to fire the weapon to get
 18 projectiles to analyze and to look at case markings and
 19 firing pin markings and the imprint of the bolt on the
 20 back of the brass. That takes one guy, okay? The other
 21 thing you're going to do is you may do a gunpowder
 22 residue test on the gun. That may be another technician.
 23 That's two people; that's not five to seven people.
 24 Q. Sir, if I represented to you that Exhibit J
 25 indicates that nine 7.62 by 39 millimeter caliber

Page 339

1 cartridges recovered from the scene had firing pin and
 2 breech face impressions matching the test shots fired
 3 from the Inter Ordnance model rifle recovered, would you
 4 have any basis for refuting that?
 5 A. I sure would.
 6 Q. What is it?
 7 A. I don't -- I don't believe -- I don't believe
 8 those cases were fired on the day that the police claim
 9 they were.
 10 Q. What is your --
 11 A. I believe that --
 12 Q. -- basis for that?
 13 A. Well, they're all mixed headstamps, yet the
 14 projectiles all look like they're constructed exactly the
 15 same.
 16 Q. What is -- Why is it not possible that mixed
 17 headstamps were recovered from the scene?
 18 A. It's possible. It's just highly unlikely.
 19 And it's almost impossible that four different headstamps
 20 would be shooting identical projectiles as if
 21 manufacturers all used exactly the same bullet, four
 22 manufacturers. I mean, it just doesn't match up. It
 23 doesn't make sense.
 24 Q. Is it possible that you were looking at the
 25 test shots?

16 (Pages 336 to 339)

Page 340

1 MR. DOWD: Looking at the what?

2 MS. MCGOWAN: Test shots.

3 A. Would the evidence team mix test shots with
4 evidence collected at the scene? 'Cause they were all
5 pulled out of the same envelope. I doubt it. I can't
6 imagine that happening.

7 (Questions by Ms. McGowan)

8 Q. You'd agree that there were 7.62 caliber
9 bullets recovered from the scene, right?

10 A. I would say that I would agree there were
11 heavier bullets than 5.56 recovered from the scene. I
12 can't verify that they were 7.62 because they were so
13 distorted when I looked at them.

14 Q. Did you use any equipment to view the bullets
15 recovered from the scene?

16 A. I had calipers with me and I had a phone that
17 would -- that would give me a magnified look at things,
18 but --

19 Q. Your -- Your telephone?

20 A. -- I didn't -- I don't think -- I don't think
21 I used the phone, but that's what I had on me.

22 Q. So, you did not view those bullets
23 microscopically; true?

24 A. Yeah, I couldn't determine anything from them
25 microscopically. The evidence wasn't labeled

Page 342

1 lying on the floor. I can't testify whether he was dead
2 already or not.

3 Q. And you've previously testified that you've
4 located bullet holes in the hardwood floor of the dining
5 room; is that correct?

6 A. Bullet impacts. I wouldn't call them holes.
7 I would call them scallops similar to what's on the hard
8 wall by the front door. There's bullet -- There's five
9 bullet impacts that were fired from the same gun in the
10 same position.

11 Q. Bear with me, I'm pulling up another document
12 slowly.

13 Sir, do you recognize the photograph depicted
14 on your screen?

15 A. Yes, that's a bullet impact.

16 Q. Where is that lo- -- First of all, back up.
17 Where -- Do you know what date this photograph was taken?

18 A. It was the same date as the other photographs
19 we looked at when I was with Mr. Dowd. Mr. Dowd took the
20 photograph.

21 Q. And as you sit here today, you're not able to
22 tell me the date; correct?

23 A. It would have -- It would have been I think
24 sometime in 2019, but I can't tell you the exact day.
25 I'm sure it's on the photograph.

Page 341

1 specifically enough that I could make any conclusions, so
2 it didn't make sense to waste time doing that.

3 MR. DOWD: You had a magnifying glass.

4 A. I did have a magnifying glass.

5 MS. MCGOWAN: I could ask --

6 A. That's true.

7 MS. MCGOWAN: -- Mr. Dowd to refrain from
8 testifying during the deposition.

9 MR. DOWD: Well, you did -- you did --

10 A. Well --

11 MR. DOWD: -- that last deposition.

12 MS. MCGOWAN: Sir, please don't -- Richard,
13 please don't coach the witness.

14 MR. DOWD: He remembered it last time in his
15 deposition, and if we didn't have to come back, that
16 wouldn't be an issue, so --

17 A. I did --

18 MR. DOWD: -- I don't feel bad.

19 A. I did have a magnifying glass, that is true.
20 I'm sorry, I forgot.

21 (Questions by Ms. McGowan)

22 Q. All right. Sir, another opinion that you've
23 given in this matter is that Hammett was shot and killed
24 while lying on the floor; is that true?

25 A. Yes, ma'am. Well, I -- he was shot while

Page 343

1 Q. Okay.

2 A. You can look at the detail --

3 Q. Is --

4 A. -- on the photograph, it'll tell you the date
5 it was taken.

6 Q. Is this photograph one of the defects you were
7 referring to a few minutes ago?

8 A. One of the impacts from a .223 bullet on the
9 dining room floor, yes.

10 Q. Is that the same impact?

11 A. Go back and forth for me once.

12 Q. (Counsel complying with witness' request.)

13 A. Go back to one.

14 Q. Do you see that?

15 A. Yep, I see it. Now let's go back to two.

16 Q. (Counsel complying with witness' request.)

17 A. Yeah, that's the same impact.

18 Q. Did you make a trajectory determination for
19 this impact?

20 A. I know it was fired at a 35 degree down angle.

21 Q. How do you know that?

22 A. There's a machine thing called a parallel that
23 I laid in the center of the slot sort of where the jaws
24 are that shows the original entry path into the wood.

25 Q. Okay. Is that a tool commonly used by crime

17 (Pages 340 to 343)

Page 344

1 scene investigators to determine trajectory of bullet
2 holes?

3 A. Yeah, it's a form of a straight edge. Most
4 crime scene investigators use straight edges and lasers
5 and -- and tape measures and that type of thing. It's a
6 common tool.

7 Q. How do you know that?

8 A. How do I know that?

9 Q. Correct, yes.

10 A. Because that's the only way you could
11 determine the path on a -- on a bullet mark like that.
12 You'd have to have a very thin straight edge. A laser
13 won't work on this type of impact. Laser works when you
14 have holes through double walls. In this type of impact,
15 you need a straight edge.

16 Q. Moving on. And, again, for the record, we're
17 on Defendants' Exhibit P. We were looking at Page 1 and
18 2 and now I want to direct your attention to Page 3. Is
19 that the same defect?

20 A. No, that's a different impact.

21 Q. Okay, did you make a trajectory determination
22 for this impact?

23 A. Yeah, same angle and originated from the same
24 gun in the same position.

25 Q. And what was your methodology, the same as

Page 346

1 of precision if you're moving around.

2 Q. Have you described every step that you took to
3 make your trajectory determination?

4 A. Well, we lay the straight edge in the slot, we
5 extend the lines until they cross from multiple impacts,
6 and we draw the triangle and use the Pythagorean theorem
7 and then we know what distance it -- it is shot from
8 because it is the hypotenuse of the triangle.

9 Q. Do you have any photographs of you performing
10 that process here?

11 A. No, I don't think. Just -- Just measuring the
12 impacts to make sure they were .22 caliber.

13 Q. Did you take any notes documenting that
14 process?

15 A. No.

16 Q. How do you know as you sit here today that it
17 was a 35 degree angle?

18 A. Because that's the angle that the straight
19 edge laid in the slot.

20 Q. You're relying on your memory?

21 A. In this case, I am relying on my memory
22 because I -- because I remember the angle and the
23 distance, you know, and it came out to be about seven to
24 eight feet and 35 degrees.

25 Q. What is your basis for saying that Hammett was

Page 345

1 before?

2 A. Yeah, straight edge and tape measure, that
3 type of thing.

4 Q. Okay. Can you take me through that step by
5 step?

6 A. Okay. So, you remember the Pythagorean
7 theorem from high school?

8 Q. No.

9 A. The whole triangle thing? Hypotenuse squared
10 equals A squared plus B squared, that's the triangle
11 rule. It's a mathematical formula. And, so, you lay the
12 straight edge in there and you get a determination on the
13 direction and then you can approximate the height that
14 the bullet was fired from because it was fired from a
15 SWAT operator who was obviously standing. Based on this
16 trajectory into the room and the size of the room is a --
17 is a boundary layer for your -- for your lines. And then
18 if you have multiple marks of these and they all
19 intersect in the same spot at the same height
20 approximately four feet off the ground, it's pretty
21 likely that they were fired by the same operator from the
22 same weapon system at probably fairly close in time
23 because it's --

24 Q. Have you --

25 A. -- hard -- it's hard to approximate that level

Page 347

1 shot while lying on the dining room floor?

2 A. Well, if someone is a threat, a SWAT team
3 member is trained to shoot at the threat and disable them
4 with an accelerated pair, so that's two shots.

5 Q. Sir, that's not answering my question. What
6 is your basis for your opinion that he was shot while
7 lying on the dining room floor?

8 MR. DOWD: Objection. He's trying to answer
9 that.

10 A. I'm trying to answer the question. Sometimes
11 an answer to your question, ma'am, is more than a
12 sentence. It takes two or three sentences. So, in a
13 normal threat scenario with a guy standing with an AK,
14 your shots would be almost parallel to the ground. They
15 would never be at a 35 degree angle as these impacts
16 were. And, so, in a threat situation or when you're
17 trying to fire and shoot someone, you're going to aim at
18 the person you're shooting at and your bullet would never
19 hit the ground from this short a distance. It would run
20 parallel and hit a wall.

21 Q. Is it your opinion that the defect depicted in
22 Page 3 occurred as a result of a bullet passing through
23 Hammett and hitting the floor?

24 A. No. No, I -- I -- I think that some of these
25 impacts were before, that hit before where the body was

18 (Pages 344 to 347)

Page 348

1 found to be located. So, unless the body was moved, I
2 don't see that happening.

3 Q. So, again, what is your basis for saying that
4 he was shot while lying on the dining room floor, what
5 are you relying on?

6 A. Okay, so, these impacts are all clear evidence
7 of an operator pointing his gun down at the floor, okay,
8 and also the testimony by the medical technician and one
9 of the evidence technicians that trace the path of the
10 bullets through the body. When you have a bullet that
11 enters the torso low on the left side and exits up here,
12 if someone's across the room from you, that's impossible
13 to do that with a rifle. Okay, they have to be laying on
14 the ground or the operator has to be laying on the ground
15 and shooting up at them from a distance of about six
16 inches. And there were no powder burn marks, there were
17 no evidence indicating that possibility, so obviously he
18 had to be on a horizontal plane and the rifles were
19 aiming down towards him and this corroborates the
20 physical paths of the bullets through the body.

21 Q. So, I guess I'm confused. How do these
22 particular defects provide support for the assertion that
23 he was shot while lying on the ground?

24 A. Because SWAT officers are extremely accurate
25 with their rifles. They don't shoot at things on the

Page 349

1 ground unless there's something on the ground. There's
2 no tactical reason to just fire bullets into the floor.

3 Q. So, I guess I'm confused because you testified
4 a few minutes ago that these defects that we're looking
5 at in Exhibit E -- No, I'm sorry. I apologize -- Exhibit
6 P, the defects we're looking at in Exhibit P did not
7 necessarily enter Hammett's body; did I understand you
8 correctly?

9 A. I don't think we can determine -- I don't
10 believe they entered Hammett's body because the bullets
11 will fragment. The type of ammunition that they were
12 shooting will often fragment. The problem, it's -- it's
13 a cloudy thing to analyze, though, because there was
14 evidence of them using full metal jacket bullets and also
15 using the Hornady frangible round and they were
16 interwoven in the magazines and they were in -- that's
17 clear in evidence and the shells entered and, so, I
18 believe if you see the narrow trace right at the jaws of
19 the caliper, if you can see that, if a bullet had entered
20 and exit his body, it would not have left a .22 caliber
21 signature; it would have fragmented and been in pieces.
22 And, so, I don't believe that this bullet necessarily hit
23 his body first and then went into the floor.

24 Q. And just to be clear, is that your opinion
25 with regard to the defect shown in Page 2 of Exhibit P?

Page 350

1 A. Well, I need to see the position 'cause
2 there's five of these marks on the floor and I can't tell
3 from the pictures which of the five that is. I need a
4 broader picture from a -- from a further distance.

5 Q. Okay. And you don't have any notes or
6 memoranda that you can refer to to tell you where each
7 defect depicted in Group P is located --

8 A. Well --

9 Q. -- on the dining room --

10 A. -- there is --

11 Q. -- floor?

12 A. There is a picture -- There is a picture of
13 all of the marks in evidence somewhere. I remember
14 reviewing it. It's just these pictures show a closeup.
15 They're designed to show the width of -- of the area of
16 the floor that the bullet destroyed, so you can see that
17 it was a .22 caliber weapon system that made that mark.
18 That's what this picture is designed to do. Trying to
19 draw other conclusions from this picture wouldn't be
20 appropriate.

21 Q. And, sir, you don't have any experience
22 conducting medical examinations; correct?

23 A. Ma'am, you asked me that previously so many
24 times in the previous deposition.

25 Q. I don't --

Page 351

1 A. That's --

2 Q. -- recall answering you -- answering -- or
3 asking you that. Can you humor me and answer?

4 A. Yeah, phrase the question again and I'll give
5 you my best shot.

6 Q. Sure, sure. I don't recall asking you that.
7 Can you humor me again and give me an answer?

8 A. Can you ask the question again so I know what
9 question I'm answering? Reask --

10 Q. Do you have --

11 A. -- the question, please.

12 Q. Do you have any experience conducting medical
13 examinations?

14 A. Well, the Navy did a live tissue test that I
15 participated in, which I don't want to get into, and, so,
16 yes, I do have experience doing that and it is
17 specifically revolves around wound statistics.

18 Q. Now, you didn't personally map out the
19 injuries on Hammett's body; correct?

20 A. No, I -- I listened to the deposition and
21 testimony of the medical examiner and your ETU, your
22 evidence technician person very --

23 Q. Do you know how --

24 A. -- carefully.

25 Q. Do you know how tall decedent was?

19 (Pages 348 to 351)

Page 352

1 MR. DOWD: How -- How tall?
 2 MS. MCGOWAN: How tall Hammett was.
 3 A. Well, I didn't know him when he was alive, so
 4 I have no -- not even a guess.
 5 (Questions by Ms. McGowan)
 6 Q. Do you know the height of any of the officers
 7 who fired shots that day?
 8 A. Not exactly.
 9 Q. Is it possible that any of the officers were
 10 firing while they were bent over to assume a lower
 11 tactical position while moving through the house?
 12 A. Well, officers are always in a -- in a low
 13 position trying to reduce their signature if they're
 14 well-trained. It's not only possible, it's highly
 15 likely, and that would have made it less likely for this
 16 severe an angle entry into the floor.
 17 Q. Did you do an independent verification of the
 18 trajectories that the medical examiner determined?
 19 A. In the body?
 20 Q. Yes.
 21 A. No, I was not allowed to view the body.
 22 Q. Did you make a request?
 23 A. I did not.
 24 Q. Are you aware whether Mr. Dowd made the
 25 request -- made a request to view the body?

Page 354

1 cartridge which holds the gun powder causes the guns to
 2 make distinctive sounds; is that correct?
 3 A. Well, the pitch of the -- just like a pipe
 4 organ, the diameter of the barrel affects the pitch. The
 5 volume of the cartridge affects -- and the pressure of
 6 the cartridge affects the volume.
 7 Q. And you also claim that you know the sound
 8 signature with regard to .223 rounds and 9 millimeter
 9 rounds; correct?
 10 A. Yes. Yes, ma'am.
 11 Q. Is a gunshot sound, is that a single loud
 12 sound or a single event?
 13 A. Well, not typically. I mean, I live at a
 14 range. I train people every week. And, so, part of our
 15 training program is to teach police officers and
 16 operators how to recognize various weapon systems by
 17 their sound signature. So, depending on the type of
 18 round and the type of caliber, you get dramatically
 19 different sound signatures that are easily recognizable
 20 and that's part of the basic training class in tactical
 21 weapons.
 22 Q. So, is a gunshot sound made up of a single
 23 loud sound or a single event?
 24 A. No, the -- it depends. If it's a subsonic
 25 round, yes, you will hear the muzzle blast. If it's a

Page 353

1 A. I am not aware either way. I trust the
 2 medical technician to be accurate.
 3 Q. So, if the trajectories of the bullet wounds
 4 in the body were different than those that are stated in
 5 the medical examiner's report, would that change your
 6 opinion?
 7 A. It would definitely change my opinion about
 8 certain things. It wouldn't change my opinion about the
 9 marks on this floor, though. These -- These marks are
 10 what they are.
 11 Q. All right. Skipping back to Page 4 of your
 12 Affidavit. Pull that up.
 13 A. While you're doing that, I'm going to grab
 14 some water. I'll be back in 20 seconds.
 15 (At this point, there was a brief pause in the
 16 proceedings.)
 17 Q. Okay, sir, if you're ready, I'll --
 18 A. Yes.
 19 Q. -- go ahead and ask you the next question. In
 20 Paragraph 10 of your Affidavit, which we've previously
 21 marked as Exhibit B, you talk about knowing the sound
 22 signature of an AK-47 because you've heard it fired tens
 23 of thousands of times under many different circumstances?
 24 A. Yes.
 25 Q. Okay. And you claim the diameter of the

Page 355

1 supersonic round, you will hear the supersonic crack of
 2 the bullet in flight and then the muzzle blast, so
 3 there'll be two distinct sound signatures from a
 4 supersonic round that's fired. From a subsonic round,
 5 it's generally just the muzzle blast that you hear --
 6 Q. Okay.
 7 A. -- unless a bullet is tumbling or whizzes by
 8 close to your ear, then you may hear a buzzing sound
 9 or -- or some other air disturbance sound, but it depends
 10 on the type of round that's being fired and it depends on
 11 whether that projectile is supersonic or subsonic in its
 12 velocity and what the sound device is capable of
 13 capturing.
 14 Q. Are the sound waves of a shooting event
 15 dependent on the source or size of the cartridge?
 16 A. Oh, the -- you'll get a different sound
 17 signature from a different size cartridge for sure or a
 18 different pressure cartridge.
 19 Q. So, different ammunition types and weights
 20 affect the sound?
 21 A. They can slightly, but within a caliber,
 22 they're very similar.
 23 Q. Okay, so, the weight of a bullet affects the
 24 sound a bullet makes --
 25 A. No.

20 (Pages 352 to 355)

Page 356

1 Q. -- is that true?

2 A. No. Indirectly, because a heavier bullet is

3 generally flying at a lower velocity than a -- than a

4 lighter bullet, so it's you're into a very technical area

5 where there's a lot more to that. There's a matrix to

6 that. It's not just one factoid that can answer that.

7 Q. So, would the manufacture of the same caliber

8 firearm make a difference in the sound produced?

9 A. It can make a small difference. Are you

10 talking within the same caliber?

11 Q. Yes.

12 A. So, for example, if you had a 9 millimeter

13 round being fired, you could fire 147 grain projectile

14 subsonic and you would use a slower burning powder, so

15 that would affect the sound signature slightly, but not

16 enough that you wouldn't recognize it as a 9 mil. You

17 could also use a 90 grain bullet and fire it supersonic,

18 you would get a supersonic crack from the bullet, you

19 would have a faster burning powder, and you would have a

20 slight change in pitch, but not enough to not recognize

21 it as a 9 mil.

22 Q. Now, as far as the cell phone that recorded

23 the cell phone video in this case, forgive me if I asked

24 you this, do you know what type of device that was

25 recorded on?

Page 357

1 A. I would suspect it was an iPhone based on the

2 sound quality, which was really good.

3 Q. So, you don't know as I sit here today?

4 A. I don't know -- I don't know for sure, but it

5 sure sounds like an iPhone recording.

6 Q. And earlier you testified that you believe the

7 cell phone that recorded this video was about 30 feet

8 across the street?

9 MR. DOWD: Objection.

10 A. No, I think --

11 MR. DOWD: Objection. Misstates his

12 testimony.

13 A. No, that's not what I testified to. You asked

14 me the questioned how far did I think the cell phone was

15 from -- from the people knocking -- supposedly knocking

16 and announcing.

17 Q. Sure.

18 A. And I -- And I said you had the width of the

19 street minus the width of the car plus the length of the

20 front yard. So, I guess between -- I would approximate

21 between 75 and a hundred feet, but that's just

22 speculation.

23 Q. Did you actually measure the distance?

24 A. I didn't.

25 Q. Do you know what kind of micro- -- Well,

Page 358

1 you're not certain about what type of --

2 A. Yeah.

3 Q. -- cell phone was used that day?

4 A. Yeah, I can't speculate on what -- what the

5 cell phone was.

6 Q. So, it follows that you're not sure what type

7 of microphone was used to record that recording?

8 A. True.

9 Q. Do you know what kind of car the person was

10 inside who was filming the --

11 A. No.

12 Q. -- video recording?

13 A. No, ma'am, I don't. I don't even know that

14 they were in the car. I got the feeling from the video

15 they were in or around a car.

16 Q. Does it matter whether they were inside the

17 car when they were recording that audio?

18 A. It would change the sound signature if they

19 had the windows up. It wouldn't dramatically change the

20 sound signature if they held the phone by the window and

21 the window was down.

22 Q. And it's your testimony that you believe the

23 window was down in this case?

24 A. If they were in the car, it was obviously

25 down. They wouldn't have gotten such a clear sound

Page 359

1 recording if they had been in the car with the window up.

2 That would have been impossible.

3 Q. Does the location of the person holding this

4 cell phone recording, does that matter?

5 MR. DOWD: Asked and answered.

6 A. I -- I answered that, ma'am.

7 Q. And your answer was no?

8 A. No, my answer was it -- it matters

9 significantly if the person's too far away to pick up the

10 sounds. Every microphone has its limits of what dB

11 pressure level the cone will move at and, so, if they're

12 too far away to pick up a sound, then it would matter.

13 Generally, if they're close enough to pick up quiet

14 sounds, then it won't be significant on anything louder

15 than something quiet.

16 Q. So, it's your belief that the location of the

17 mic in relationship to the gunfire is irrelevant so long

18 as the mic picks up on the gunfire?

19 A. No, I believe that the location is irrelevant

20 as long as the microphone is close enough to pick up the

21 quieter sounds in the scene because if it will handle the

22 lower pressure levels, it will definitely pick up the

23 stronger pressure levels. Sound is a pressure wave.

24 And, so, as long as the microphone operates properly at

25 the lower pressure levels on the quieter sounds, it will

21 (Pages 356 to 359)

Page 360

1 be effective for the louder sounds until it's
 2 overmodulated.
 3 Q. So, did you slow down the cell phone video
 4 recording to do your analysis?
 5 A. I did play it -- I did -- I did play it in
 6 slow motion, I believe.
 7 Q. And can you recall what software you used to
 8 examine the cell phone --
 9 A. No.
 10 Q. -- phone recording?
 11 A. -- we were -- we were going to -- we were
 12 going to do that at the break, but we're kind of past the
 13 whole break thing at this point, so what I did was I -- I
 14 used a PACT timer to measure the -- the timing between
 15 shots.
 16 Q. What's a PACT timer?
 17 A. It's a device that we use on the range for
 18 training and it measures shots to a hundredth of a second
 19 and, so, when you get a sound that's a pressure level
 20 above a normal speaking voice, I don't know what the
 21 exact threshold is, but it triggers the computer to start
 22 tracking shots and then it measures the split times
 23 between the shots so you can tell what the distance is
 24 and then it gives you a total time of all the shots.
 25 Q. Are you familiar with SPL?

Page 361

1 A. Sound pressure levels, yeah.
 2 Q. Okay. Did you determine SPL in order to form
 3 your opinions regarding the cell phone recording?
 4 A. Well, without knowing the exact distance, you
 5 couldn't. You don't have enough in the equation to use
 6 sound pressure levels.
 7 Q. So, let me -- let me move on. I know we're
 8 limited on time here. So, would a shot sound any
 9 different if it was recorded from 50 feet away or if it
 10 was recorded from behind the shooter within ten feet?
 11 A. Shots have a sound signature that is affected
 12 by everything in the environment, okay? So, the question
 13 is to what degree and is it a significant degree. And
 14 without a more detailed question, you know, the answer is
 15 categorically yes, it can, but without a specific
 16 question, there's no way to give you an exact answer.
 17 Q. In your report, you state that you've heard --
 18 Let me stop this. In your report, you state that you
 19 heard the Sporter model semi-automatic rifle model fire
 20 tens of thousands of times.
 21 A. I stated that I've heard the AK round fire
 22 tens of thousands of times. I work at a range, ma'am.
 23 Q. All right.
 24 A. It's a very popular weapon system.
 25 Q. Let's pull up Page 10 of your report.

Page 362

1 All right. Are you able to see --
 2 A. Yes, ma'am.
 3 Q. -- see that? Okay. I'm back on Exhibit C,
 4 which is your report. You state, I have heard
 5 SporterModel Semi-AutomaticRifles fired tens of thousands
 6 of times under many different circumstances [...]" Is
 7 that a true statement?
 8 A. Absolutely true.
 9 Q. And have you had occasion to shoot an Inter
 10 Ordnance Sporter rifle like the one recovered in this
 11 case?
 12 A. I have shot many rifles like the one recovered
 13 in this case.
 14 Q. When you say like this rifle --
 15 A. Yeah.
 16 Q. -- the rifle from this case?
 17 A. 7.62 barrels down to 12 inches, barrels up to
 18 20 inches.
 19 Q. And you've heard this particular model fired
 20 in person?
 21 A. Well, the model doesn't affect the sound. The
 22 barrels are all made to a spec so they control pressure.
 23 The -- The only thing that affects the sound is the
 24 muzzle attachment, whether it's a flash hider or brake,
 25 and it can have a small effect on the sound signature

Page 363

1 based on your physical position.
 2 Q. Have you ever heard the Inter Ordnance Sporter
 3 rifle fired in an urban environment?
 4 A. The round or the rifle?
 5 Q. The rifle.
 6 A. Not an Inter Ordnance, but it doesn't matter.
 7 It's a 7.62 by 39. No one can tell the difference
 8 between an Inter Ordnance or a different brand because
 9 it's shooting the same cartridge. If the barrel length's
 10 the same and the muzzle attachment is the same, the brand
 11 does not matter. It doesn't affect the sound.
 12 Q. Have you heard a similar Sporter model
 13 semi-automatic fired in an urban environment?
 14 A. Many times.
 15 Q. When?
 16 A. Well, the St. Louis City Police used to have a
 17 range that was in an urban environment off of Highway 55.
 18 We used --
 19 Q. Have --
 20 A. -- to fire all kinds of -- Bob Cooney and I
 21 used to fire all kinds of stuff at that range from AKs to
 22 MP5s, to MP5SDs, to .308s, to handguns --
 23 Q. Well --
 24 A. -- and that's an urban environment.
 25 Q. -- have you ever heard a Sporter model

22 (Pages 360 to 363)

Page 364

1 semi-automatic rifle fired from within a house in an
2 urban environment?

3 A. A shoot house. Inside a shoot house, yeah.

4 Q. You've heard --

5 A. And also --

6 Q. -- a --

7 A. And ars- -- also at -- in the shoot towns at
8 Fort Leonard Wood and also at Fort Polk at the
9 Shughart-Gordon Live Fire Center. Many, many times is
10 the answer.

11 Q. In conducting your analysis of the sounds
12 depicted in the cell phone recording, did you take
13 reverberation into account?

14 A. Well, there wasn't a lot of reverb, so I
15 didn't really consider it significant. You get reverb
16 when you have really tall buildings, but the reverb in
17 that environment with just single story, you know, or one
18 and a half story houses is not really going to be a
19 significant part of the sound signature. So, I
20 considered it, but I just didn't find it significant.

21 Q. Now I want to direct your attention to Exhibit
22 C, Page 11. Would you agree that on Page 11 of your
23 report you provide a timeline of your interpretation of
24 the cell phone video recording?

25 A. Yeah, that looks like something -- something

Page 366

1 obviously there was some overlap based on my count from
2 the video.

3 Q. All right, on Page 10 of your report, you

4 state that -- One second. I'm getting there -- you state
5 in Paragraph 3 that you concluded that the initial shots
6 have a .13 split or seconds between shots which is not
7 possible with this particular Sporter model

8 semi-automatic rifle because of the length of the trigger
9 pull, the length of the recoil recovery time, and the
10 length of the trigger reset.

11 A. Roger that.

12 Q. How did you determine that there was a .13
13 second split?

14 A. We talked about that. That's the PACT timer.

15 Q. And take me through your methodology on using
16 the PACT timer.

17 A. So, you reset the PACT timer to zero. You
18 start the sound recording. The PACT timer picks up the
19 shots and automatically determines the split times
20 between shots and it displays it out in a list. Shot 1,
21 shot 2, shot 3, shot 4.

22 Q. So, would, if the audio recording depicted
23 overlapping shots being fired, would that prohibit you
24 from determining the round types that are fired?

25 A. Not in this situation because the first four

Page 365

1 that I did.

2 Q. Okay. And I want to direct your attention to
3 the 14 to 19 second mark. You write --

4 A. Yes.

5 Q. -- that there's a barrage of over 25 shots
6 from a .223 caliber assault rifle or rifles plural. By
7 that you mean there are many overlapping shots; correct?

8 A. No, what I'm saying there is that I can
9 determine at least 25 distinct shots.

10 Q. So, do you agree or disagree that the shots
11 fired during that time frame are overlapping?

12 A. Well, there -- there could have been shots
13 that overlapped. It's possible.

14 Q. Can you say whether -- as you sit here today
15 whether or not there were overlapping shots during that
16 time period?

17 A. I can say that it's possible. I can't testify
18 that it's certain.

19 Q. Did you consider that in your analysis of the
20 cell phone video recording?

21 A. Of course. As a matter of fact, I would say
22 that -- that it's likely that there was some overlap
23 because I think I counted distinct shots in the 70 range
24 and the evidence technicians that missed brass and missed
25 evidence showed over 80 or 90 shots fired, so, I mean,

Page 367

1 shots there were no overlapping shots. It was all the
2 same weapon and it was a ni- --

3 Q. So, the --

4 A. -- and it was a 9 millimeter.

5 Q. Aside from those four shots that you're
6 describing, if overlapping shots were being fired, would
7 that prevent you from being able to determine what rounds
8 were being fired?

9 A. Yeah, overlapping shots could confuse a PACT
10 timer, that's true.

11 Q. What is the length of the trigger pull of this
12 type of rifle?

13 A. It's over a quarter of an inch. It's
14 extremely long.

15 Q. What is the length of the recoil recovery
16 time?

17 A. Well, the recoil recovery time is determined
18 by the shooter, not the rifle. The -- The recoil from
19 the rifle is much more significant than a handgun, so
20 it's extremely difficult to be fast with something like a
21 7.62, particularly if it has a long trigger pull and a
22 long reset. Even a professional can't fire at that
23 speed. SWAT guys shoot that fast, not kids that are 19
24 years old and have no training.

25 Q. Okay. So, I think we're getting into your

23 (Pages 364 to 367)

Page 368

1 statement on Page 10 (sic). You say, "In addition, the
2 timing and 'signature' or sounds of the initial shots do
3 not match a 7.62x39 fired by an untrained shooter."

4 A. Yes, ma'am.

5 Q. What -- What is your basis for saying that,
6 what are you relying on?

7 A. Well, I've been training people for 40 years
8 and I've had a PACT timer in my hand for 30 years, so I
9 have an incredible sample of new shooters, slightly
10 trained shooters, advanced shooters, and then
11 professionals like SWAT team members and, so, we keep
12 records of that. We -- We do this thing called an
13 El Presidente and we look at split times and we look at
14 total times and we analyze that and give feedback to our
15 students. It's something that we're very, very familiar
16 with and is very common. It's also done in competition
17 shooting. So, it's not an -- it's not a -- it's not a
18 unique thing to our range or our training facility.

19 Q. So, it's not impossible for a person to fire
20 shots with a .13 split?

21 A. No, guys like Ronnie Fowlkes, who used to be
22 on the SWAT team, when he had an AR-15 with a Maxx
23 trigger, he could fire with a .11 split, which is
24 two-hundredths faster than .13, but that's the best
25 shooter with the best trigger with a very light recoiling

Page 370

1 room and enter and that's -- that's a result of judges
2 and SWAT teams not agreeing on whether or not it's a safe
3 enough situation to knock and announce. And that's been
4 going on for decades. That's not just my opinion.
5 That's the way it works. And SWAT teams want to go home
6 to their wife and kids at night and don't want to be
7 exposed to unnecessary danger --

8 MR. DOWD: I'm going to --

9 A. -- and judges don't want to give no-knock
10 warrants every time they're asked.

11 MR. DOWD: I'm going to object.

12 Q. Sir, do you have any training in audiology or
13 sound engineering?

14 MR. DOWD: I object. Let me -- I -- I'm
15 interposing an objection. I object. It's
16 non-responsive. Move to strike.

17 MS. MCGOWAN: Oh.

18 MR. DOWD: You can -- You can go ahead.

19 (Questions by Ms. McGowan)

20 Q. Sir, do you have any training as a sound
21 engineer?

22 A. I actually do have some training as a sound
23 engineer. I've worked extensively with sound engineers
24 and -- and worked extensively with sound as a musician
25 and setting up stages and being part of bands and playing

Page 369

1 rifle. I mean, that's the best of the best of the best
2 scenarios. There's -- There's no way that someone with
3 an AK Sporter with this horrifically bad trigger could
4 pull the trigger that fast. It's impossible.

5 MR. DOWD: Erin, we've been going two hours
6 here.

7 MS. MCGOWAN: I think we've got a few more
8 minutes. Give me -- Give me a couple more
9 questions.

10 (Questions by Ms. McGowan)

11 Q. Sir, you provide the opinion that the officers
12 were using alleged compromise to turn the
13 knock-and-announce search warrant into a battering ram
14 breech flash bang assault you write. What do -- What do
15 you mean by that?

16 A. Well, there's a history of problems with SWAT
17 teams when a judge refuses to give a no-knock warrant on
18 a dangerous entry and the SWAT team feels like they're
19 being compromised by not being given a no-knock warrant
20 and, so, they developed a workaround and it's a very
21 common technique used by SWAT teams all over the country
22 when a judge doesn't give them a no-knock, they find a
23 reason to claim compromise as they approach the -- the
24 dwelling and then they no-knock, they don't announce.
25 They just bang -- you know, ram the door and bang the

Page 371

1 music and recording my own music and editing my own
2 music, so I do have some experience with sound
3 engineering.

4 Q. Any experience conducting forensic audio
5 analyses?

6 A. Did I go to a school to take audio analysis
7 for forensic, no, ma'am.

8 MS. MCGOWAN: And if you wouldn't mind, I'm
9 just going to review my notes very quickly. I
10 realize we're running up against the two hour mark.

11 MR. DOWD: Are you talking to me?

12 MS. MCGOWAN: Yes.

13 MR. DOWD: What was the question?

14 MS. MCGOWAN: I'm just reviewing my notes very
15 quickly. I said I realize we're running up against
16 the --

17 MR. DOWD: Yeah.

18 MS. MCGOWAN: -- the two hour mark.

19 MR. DOWD: You are there.

20 MS. MCGOWAN: I think that may be it for today
21 at least. I just want to note that we still have a
22 motion for an additional three hours of deposition
23 pending before the judge, so we may be back for a
24 third day.

25 MR. DOWD: Okay, I just have a couple

24 (Pages 368 to 371)

<p style="text-align: right;">Page 372</p> <p>1 questions.</p> <p>2</p> <p>3 EXAMINATION</p> <p>4 BY MR. DOWD:</p> <p>5</p> <p>6 Q. Mr. Andrews, who -- who hired this doctor</p> <p>7 that -- that Erin was asking you about right off the bat</p> <p>8 in your deposition?</p> <p>9 A. (No response.)</p> <p>10 Q. You remember that?</p> <p>11 A. Who hired this doctor?</p> <p>12 Q. Yeah, the one -- the one with the report</p> <p>13 with --</p> <p>14 A. Oh, the -- Oh, on the bogus custody trial that</p> <p>15 didn't work out for her? The -- My ex-wife's attorney</p> <p>16 hired -- hired that person.</p> <p>17 Q. And did -- did -- was it successful in getting</p> <p>18 your children taken from you?</p> <p>19 A. It -- The decision from Judge Hood, who was</p> <p>20 basically removed --</p> <p>21 Q. Okay. That's okay.</p> <p>22 A. -- and sanctioned, it wasn't successful</p> <p>23 ultimately. It -- It lasted about three months and then</p> <p>24 my daughter came to live with me full time and my wife</p> <p>25 went and married four other men, so, you know, it just --</p>	<p style="text-align: right;">Page 374</p> <p>1 appointment of Sharon Lightfoot, Ph.D. to conduct a</p> <p>2 mental examination of each party." Would you agree that</p> <p>3 the Court ordered the appointment of Dr. Lightfoot to</p> <p>4 conduct your mental examination?</p> <p>5 A. Well, I think Dale Hood appointed the</p> <p>6 psychologist that the attorney on the other side wanted</p> <p>7 appointed, that's what happened.</p> <p>8 Q. Okay. So, you agree that the Court appointed</p> <p>9 Dr. Lightfoot?</p> <p>10 A. The most corrupt judge in St. Louis City -- or</p> <p>11 St. Louis County history, sure.</p> <p>12 MS. MCGOWAN: Thank you. I don't have any</p> <p>13 further questions today, for today, pending the</p> <p>14 pending motion for additional time.</p> <p>15 MR. DOWD: Thank you, everybody.</p> <p>16 MS. MCGOWAN: Thank you, sir.</p> <p>17 MR. DOWD: Thank you.</p> <p>18 MS. MCGOWAN: Thank you, everyone, goodnight.</p> <p>19 THE WITNESS: Thank you, guys.</p> <p>20 VIDEOGRAPHER: At 6:13 Central Daylight Time,</p> <p>21 that concludes Volume II of the deposition of</p> <p>22 L. Samuel Andrews. We are going off the video</p> <p>23 record.</p> <p>24 (Deposition concluded pending motion for</p> <p>25 additional time at 6:13 p.m.)</p>
<p style="text-align: right;">Page 373</p> <p>1 it wasn't successful, but she tried.</p> <p>2 Q. Not a problem, okay. I -- I shouldn't have --</p> <p>3 didn't need to bring that up, but --</p> <p>4 A. That's all right.</p> <p>5 MR. DOWD: You have the right to ha- -- to</p> <p>6 read your deposition and be sure that it was taken</p> <p>7 down as spoken both of the -- on both of the these</p> <p>8 occasions. We do appreciate your time a lot. We</p> <p>9 know how busy you are. Do you want to read it?</p> <p>10 THE WITNESS: Yeah, I would like a copy to</p> <p>11 read. Can you send me electronic copy?</p> <p>12 MR. DOWD: Yes, sir.</p> <p>13 THE WITNESS: That would be wonderful.</p> <p>14 MR. DOWD: I'll get it to you if you will send</p> <p>15 it on to me, Sara.</p> <p>16 MS. MCGOWAN: And may I ask one more question</p> <p>17 while we're -- we're on the topic? I apologize,</p> <p>18 just one more follow-up to Mr. Dowd's questioning.</p> <p>19</p> <p>20 FURTHER EXAMINATION</p> <p>21 BY MS. MCGOWAN:</p> <p>22</p> <p>23 Q. Sir, I'm pulling up Exhibit N and I want to</p> <p>24 direct your attention to Paragraph 6; do you see that?</p> <p>25 And this document states: "The Court further ordered the</p>	<p style="text-align: right;">Page 375</p> <p>1 (SIGNATURE RESERVED PENDING COMPLETION)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

25 (Pages 372 to 375)

Page 376

1 STATE OF)
 2) SS
 3 COUNTY OF)
 4 I, L. SAMUEL ANDREWS, do hereby state that the
 5 foregoing statements are true and correct to the best of
 6 my knowledge and belief.
 7
 8
 9
 10
 11

12 _____
 13 L. SAMUEL ANDREWS
 14

15 Subscribed and sworn to before me this ____ day
 16 of ____, 2020.
 17
 18
 19
 20

21 _____
 22 NOTARY PUBLIC

23 My Commission Expires:
 24
 25

Page 378

1 CERTIFICATE

2
 3 I, Sara Alice Masuga, Certified Shorthand
 4 Reporter and Certified Court Reporter within and for the
 5 States of Illinois and Missouri, DO HEREBY CERTIFY that
 6 pursuant to agreement between counsel that on
 7 September 8, 2020, originating at the offices of Masuga
 8 Reporting Service, 2033 Hiawatha Avenue, St. Louis,
 9 Missouri, there appeared before me via Zoom
 10 videoconference the aforementioned witness, and having
 11 been duly sworn to tell the whole truth, was examined,
 12 and the examination was taken down in shorthand by me and
 13 afterwards transcribed upon the computer, and said
 14 transcription is herewith returned.

15 IN WITNESS WHEREOF, I have hereunto subscribed my
 16 name this 17th day of September, 2020.
 17
 18
 19
 20
 21

22 _____
 23 Sara Alice Masuga, CSR, CCR
 24 IL CSR No. 084-002993
 25 MO CCR No. 1012

Page 377

1 DEPOSITION CORRECTION SHEET
 2 VOLUME II OF THE DEPOSITION OF L. SAMUEL ANDREWS

3 In Re: GINA TORRES, et al vs. CITY OF ST. LOUIS,
 4 et al, No. 4:19-CV-1525-DDN

5 Page: Line: Should Read:

6 Reason:

7 Page: Line: Should Read:

8 Reason:

9 Page: Line: Should Read:

10 Reason:

11 Page: Line: Should Read:

12 Reason:

13 Page: Line: Should Read:

14 Reason:

15 Page: Line: Should Read:

16 Reason:

17 Page: Line: Should Read:

18 Reason:

19 Page: Line: Should Read:

20 Reason:

21 _____
 22 SIGNATURE OF DEPONENT
 23
 24
 25

Page 379

MASUGA REPORTING SERVICE
 2033 Hiawatha Avenue
 St. Louis, MO 63143-1215
 (314)680-2424

September 17, 2020

Dowd & Dowd, PC
 Attn: Richard K. Dowd, Esq.
 211 North Broadway
 Suite 4050
 St. Louis, MO 63102

SENT VIA E-MAIL: Rdowd@dowdlaw.net

In Re: GINA TORRES, et al vs. CITY OF ST. LOUIS, et al
 No. 4:19-CV-1525-DDN

Dear Mr. Dowd:

Enclosed herewith, please find your copy of Volume II of
 the Zoom videoconference video deposition transcript of
 L. SAMUEL ANDREWS taken in the above-styled matter along
 with the original signature page of same.

Please have the deponent read your copy of the
 transcript, note any corrections to be made, sign the
 original signature page, have the deponent's signature
 notarized where indicated, and return the signed
 signature page and correction sheets to Ms. McGowan for
 proper filing of the original transcript with the Court.

Thank you for your attention to this matter.

Sincerely,

MASUGA REPORTING SERVICE

Sara Alice Masuga, CSR, CCR

cc: Ms. McGowan

26 (Pages 376 to 379)

A				
ability 323:9 324:1	afternoon 283:24	allow 305:17	318:19 357:16	367:5
able 288:13 289:5,7 291:20 291:22 292:12 297:21 301:14 307:2 311:20 312:8 315:3 342:21 362:1 367:7	agents 338:7 aghost 336:9 ago 326:24 331:4 333:4,4 343:7 349:4 agree 286:24 287:2 300:18 301:4 318:14 325:1,5 326:16 326:18 340:8 340:10 364:22 365:10 374:2,8 AGREED 281:1 281:14 agreeing 285:8 370:2 agreement 378:6 ahead 288:8,20 293:22 301:2 315:2 319:6 320:2 329:10 353:19 370:18 aim 347:17 aiming 348:19 air 305:5 355:9 airspace 303:22 AK 303:19 314:8,12 328:22 347:13 361:21 369:3 AK-47 335:17 353:22 AKs 363:21 al 279:3,7 280:3 280:7 283:4,4 377:2,3 379:11 379:11 Alice 279:20 281:9 378:3,22 379:23 alignment 305:20 alive 352:3 alleged 369:12	allows 319:1 ammo 314:11 ammunition 349:11 355:19 analyses 371:5 analysis 325:21 331:7,8 360:4 364:11 365:19 371:6 analyze 319:13 319:23 320:9 320:20 322:2 322:13 324:1 333:24 334:15 334:17 338:18 349:13 368:14 analyzed 320:24 328:13,16 analyzing 319:24 323:17 333:19 Andrew 280:19 Andrews 279:11 281:4 282:3 283:3,17,24 287:9 288:25 300:23 306:23 372:6 374:22 376:4,11 377:1 379:14 Andrews' 282:5 Andy 297:8 angle 303:4 343:20 344:23 346:17,18,22 347:15 352:16 announce 316:4 316:6,21,24 317:20 318:1,8 369:24 370:3 announced 315:19,24 316:13 317:4 announcing	answer 291:8 337:11 347:8 347:10,11 351:3,7 356:6 359:7,8 361:14 361:16 364:10 answered 291:7 308:24 331:6 333:4 359:5,6 answering 312:7 334:23 347:5 351:2,2,9 answers 287:10 anybody 296:19 apart 322:6 apologize 291:4 349:5 373:17 APPEARANC... 280:10 appeared 297:22 378:9 appearing 283:10 288:18 appointed 374:5 374:7,8 appointment 374:1,3 appreciate 373:8 approach 369:23 appropriate 350:20 approximate 345:13,25 357:20 approximately 283:8 290:6,10 345:20 AR-15 368:22 area 288:1,14 296:17 305:17 350:15 356:4 ars- 364:7 aside 292:2 304:1 318:16	asked 291:6,7,18 296:9 300:12 331:6 337:21 350:23 356:23 357:13 359:5 370:10 asking 284:1 285:10 299:8 312:21 351:3,6 372:7 assault 365:6 369:14 assertion 348:22 assume 329:1 338:9 352:10 attached 282:23 attachment 362:24 363:10 attempt 286:6 307:21 308:25 attendees 283:10 attention 287:25 290:23 329:17 344:18 364:21 365:2 373:24 379:19 Attn 379:6 attorney 372:15 374:6 audio 323:19 358:17 366:22 371:4,6 audiology 370:12 August 284:1,3 285:17 287:22 289:1 290:24 automatically 366:19 Avenue 279:24 281:8 378:8 379:1 aware 328:24 352:24 353:1
				B

B 282:3 315:3 345:10 353:21 ba- 316:19 back 283:24 284:5 285:23 288:5 290:24 298:23 300:21 301:18,25 303:2,21 304:4 306:13 307:18 308:16 309:15 309:20 310:9 310:11,15,18 310:19 313:9,9 313:11,16,22 314:5,24 315:8 315:17 320:12 322:25 327:14 334:25 335:22 338:20 341:15 342:16 343:11 343:13,15 353:11,14 362:3 371:23 background 285:12 bad 323:14 341:18 369:3 ballistic 306:15 314:14 331:8 333:25 ballistics 297:23 304:1 310:11 bands 323:8 370:25 bang 316:25 317:21,24 318:2,9,19 324:16 326:14 369:14,25,25 barrage 365:5 barrel 354:4 363:9 barrels 362:17 362:17,22 base 304:2	based 300:13 313:5 315:1 316:11,12 317:2,7 326:12 336:11,13,16 337:23 338:10 345:15 357:1 363:1 366:1 basic 354:20 basically 305:7 372:20 basing 314:3 316:19,25 317:9 basis 316:10 318:4 334:11 335:11 337:7 338:13 339:4 339:12 346:25 347:6 348:3 368:5 bass 323:11 327:11 bat 372:7 batch 293:25 battering 369:13 bear 284:14 290:18 293:17 304:12 306:21 329:5 342:11 bearing 331:12 331:22 332:9 bed 301:18 bedroom 287:19 290:6,11 301:17,19,25 302:1,5,19 303:3,4,11,12 303:13,18,20 303:22,23 304:6 306:14 307:23,25 308:4,10,22 309:1,3,11,13 309:15,17,20 310:4,8,10,12	310:15,19,20 313:7,15 beginning 325:2 begins 283:2 behalf 279:11 280:11,17 281:5 283:19 belief 359:16 376:6 believe 288:25 290:4,24 295:17,20 297:1,8 310:24 311:2 313:6 314:1,22 315:7 331:11 332:8 336:12 337:15 337:18 339:7,7 339:11 349:10 349:18,22 357:6 358:22 359:19 360:6 believed 290:5 bent 352:10 best 312:18 351:5 368:24 368:25 369:1,1 369:1 376:5 bit 293:17 297:1 blast 354:25 355:2,5 blinks 290:20 blood 313:22 314:21 Bob 363:20 body 347:25 348:1,10,20 349:7,10,20,23 351:19 352:19 352:21,25 353:4 bogus 286:6 372:14 bolt 338:19 Bose 318:24 319:8,9 322:18	boundary 345:17 box 313:21 314:22 335:15 335:17 336:15 336:17 boxed 314:11 brake 362:24 brand 363:8,10 brass 299:18 304:4,5 308:7 308:7 312:4 313:12,13 338:20 365:24 breaching 316:4 break 324:12,13 360:12,13 breech 339:2 369:14 brief 320:6 327:20 353:15 bring 373:3 broad 327:9 331:14 332:1 broader 350:4 Broadway 280:14 379:7 Broccard 315:13 315:16,23 buildings 364:16 bul- 297:11 bullet 292:12 294:8,15 297:11 298:1 301:6,11,14 302:3,8,11,21 302:25 303:1,7 304:9 305:5,25 306:7,19 307:4 309:14 310:7 339:21 342:4,6 342:8,9,15 343:8 344:1,11 345:14 347:18 347:22 348:10 349:19,22	350:16 353:3 355:2,7,23,24 356:2,4,17,18 bullets 303:19 307:8,23,24 308:4,6,8 310:6 314:18 328:14 340:9 340:11,14,22 348:10,20 349:2,10,14 burn 348:16 burning 356:14 356:19 busy 373:9 buzzing 355:8
C				
C 282:5 327:23 362:3 364:22 378:1,1 caliber 301:9,24 302:23 314:6 327:24 338:25 340:8 346:12 349:20 350:17 354:18 355:21 356:7,10 365:6 calibers 296:11 caliper 294:8,14 295:3 349:19 calipers 298:12 340:16 call 342:6,7 called 319:12,12 319:21 343:22 368:12 calls 297:16 camera 294:21 capable 355:12 capturing 355:13 car 325:1,16,16 326:5 357:19 358:9,14,15,17 358:24 359:1 carefully 351:24				

cartridge 333:14 354:1,5,6 355:15,17,18 363:9 cartridges 339:1 case 283:4 292:15 293:13 296:6 300:11 304:2 305:21 315:1,10 329:15 333:2 333:15 338:18 346:21 356:23 358:23 362:11 362:13,16 cases 333:14 334:4 339:8 casings 308:14 308:18,21 311:23 312:10 314:9,15 categorically 361:15 cause 332:22 340:4 350:1 caused 310:15 causes 354:1 cc 379:25 CCR 279:20,20 378:22,23 379:23 cell 315:1,8,12 317:8,19 318:17,22 320:23 321:7 321:22 322:4 322:13 323:20 324:15 325:2 325:10 326:2,8 326:10 356:22 356:23 357:7 357:14 358:3,5 359:4 360:3,8 361:3 364:12 364:24 365:20 center 309:15	343:23 364:9 Central 283:8 374:20 cents 324:5 certain 353:8 358:1 365:18 certainly 317:5 317:14 325:3,3 Certified 281:9 281:9 378:3,4 CERTIFY 378:5 chain 296:14,15 296:17,25 297:7 324:20 324:20 325:23 334:8,11 335:18 336:20 336:21 337:5,9 337:16 338:15 change 324:4 353:5,7,8 356:20 358:18 358:19 check 299:3 335:8 checked 334:2 336:2,5 checking 334:7 335:19 child 286:13 children 286:7 372:18 circled 288:1 circumstances 353:23 362:6 City 279:6 280:6 280:18,20 283:4 296:4 308:8 313:10 335:14 337:3 338:8 363:16 374:10 377:2 379:11 Civil 281:5 claim 314:14 315:25 339:8	353:25 354:7 369:23 claimed 314:8 claiming 330:4 claims 287:6 class 354:20 cleaned 312:1 328:21 cleaning 335:1 clear 307:24 310:21 313:18 319:4 348:6 349:17,24 358:25 clearly 301:17 301:21 302:1 315:16,24,25 click 324:6 close 306:20 308:6 345:22 355:8 359:13 359:20 closed 307:11 closest 303:13 303:23 304:8 closeup 350:14 cloud 295:19,21 cloudy 349:13 CLVS 280:23 coach 341:13 collected 330:5 340:4 college 297:1 color 282:21 323:14 335:16 colors 335:17 come 285:12 314:24 341:15 coming 291:12 314:5,6 Commission 376:22 common 344:6 368:16 369:21 commonly 343:25	Comparison 282:9 competition 368:16 complete 335:25 completion 281:15 375:1 complied 281:12 complying 321:20 343:12 343:16 compromise 369:12,23 compromised 337:15 369:19 computer 321:2 321:4,8,8,12 321:16,22 323:24 360:21 378:13 concise 311:15 concluded 366:5 374:24 concludes 374:21 concluding 337:7 338:13 conclusion 303:15,17 318:21 conclusions 296:8 330:17 330:19,21,21 330:24,25 341:1 350:19 condition 328:18 conduct 333:21 333:24 374:1,4 conducting 350:22 351:12 364:11 371:4 cone 359:11 cones 323:3,8 confuse 367:9 confused 317:14	317:16 318:11 348:21 349:3 connection 286:12 consider 364:15 365:19 considered 364:20 considering 332:14 consistent 310:6 310:9 334:10 constructed 339:14 consult 284:9 contaminate 296:16,17 context 297:3 CONTINUED 283:21 contradict 315:18 contradicted 316:13 317:3 control 300:7,23 362:22 Cooney 363:20 copies 282:21 293:11 300:8 copy 285:17 373:10,11 379:13,16 corner 307:19 correct 286:13 289:18 292:21 293:9 298:5,8 300:19 302:8 302:21 306:10 306:25 309:5 318:5 320:17 321:23 334:1 342:5,22 344:9 350:22 351:19 354:2,9 365:7 376:5 correction 377:1
--	---	--	--	--

379:18 corrections 379:16 correctly 309:8 337:17 349:8 corroborates 348:19 corrupt 374:10 corrupted 334:9 334:12 337:5,9 could've 285:15 counsel 281:2,2 283:12 343:12 343:16 378:6 counsel's 321:20 Counselor's 280:18 count 297:10 312:13 314:13 366:1 counted 365:23 country 369:21 County 284:17 374:11 376:2 couple 286:17 335:23,24 369:8 371:25 course 300:20 306:9 310:1 326:10 365:21 court 279:1 280:1 281:9 283:6 284:17 287:6 373:25 374:3,8 378:4 379:18 covered 322:12 covers 327:10 crack 355:1 356:18 create 295:9 created 334:4 credibility 332:13,16 credible 284:13 316:16 334:10	crime 335:6 343:25 344:4 cross 346:5 crystal 313:18 319:4 CSR 279:20,20 378:22,22 379:23 currently 322:20 curriculum 297:5 curve 324:6 custody 286:7 286:13 293:8 293:10 296:14 296:15,18,25 297:7 334:12 335:18 336:20 336:22 337:5,9 337:16 372:14 cut 301:22 335:15 <hr/> D D 280:19 Dale 374:5 damage 297:23 310:11,16 danger 370:7 dangerous 369:18 date 292:17 293:1 294:16 298:6 342:17 342:18,22 343:4 daughter 372:24 day 283:25 290:25 292:18 292:18,21 295:5,16 296:8 296:12 299:21 310:22 328:1 328:10 331:13 332:10 339:8 342:24 352:7 358:3 371:24	376:15 378:16 Daylight 283:9 374:20 dB 359:10 dead 342:1 Dear 379:12 death 304:13,18 304:23,24 decades 370:4 deceased 302:19 decedent 351:25 decision 372:19 deemed 298:9 defect 344:19 347:21 349:25 350:7 defects 343:6 348:22 349:4,6 Defendants 279:8,11 280:8 280:17 281:2,6 283:14,19 Defendants' 282:3,5,7,9,11 282:13,15,17 282:19,21 288:10,22 290:1 293:23 294:1 329:11 329:12,19,21 344:17 definitely 297:6 301:8 353:7 359:22 definitive 289:4 definitively 288:6 degree 343:20 346:17 347:15 361:13,13 degrees 346:24 Dell 321:10,22 Department 338:8,10 dependent 355:15	depending 354:17 depends 354:24 355:9,10 depicted 289:8 301:11,15 302:4 342:13 347:21 350:7 364:12 366:22 depicting 288:13 deployed 317:21 324:17 deploying 318:19 deployment 316:24 deponent 281:15 377:21 379:16 deponent's 379:17 deposition 279:10 281:3 281:11 282:13 282:15 283:2 283:25 285:24 317:6 318:6,17 326:23 341:8 341:11,15 350:24 351:20 371:22 372:8 373:6 374:21 374:24 377:1,1 379:14 depth 326:5 describe 321:21 333:6 described 346:2 describing 367:6 designed 323:15 350:15,18 destroyed 328:15 350:16 detail 343:2 detailed 361:14 determination 307:3 343:18	344:21 345:12 346:3 determinations 299:1 306:17 307:7 determine 288:3 290:15 291:21 292:9 307:21 308:25 311:21 312:8 328:1,9 340:24 344:1 344:11 349:9 361:2 365:9 366:12 367:7 determined 289:14 312:20 352:18 367:17 determines 366:19 determining 305:10 366:24 developed 369:20 device 321:1 355:12 356:24 360:17 devices 319:14 di- 318:10 diagnose 287:4 diagnosed 284:6 286:25 diagnosing 287:8 diagonal 310:4 310:18 diameter 303:20 311:13 353:25 354:4 dif- 314:9 difference 323:1 323:4 356:8,9 363:7 different 283:11 288:13 302:8 302:22 314:9 314:13 317:17
--	---	---	--	---

323:16 333:8 335:10,16,16 335:18 337:8 339:19 344:20 353:4,23 354:19 355:16 355:17,18,19 361:9 362:6 363:8 differently 323:15 difficult 367:20 dig 336:21 digging 285:12 digital 294:8 dining 342:4 343:9 347:1,7 348:4 350:9 direct 283:21 329:17 344:18 364:21 365:2 373:24 directing 287:25 290:23 direction 296:11 304:11 345:13 disable 347:3 disagree 311:9 325:5 365:10 discreet 324:25 discussed 304:2 discussion 300:24 disorder 284:7 284:12 287:1 displays 366:20 distance 346:7 346:23 347:19 348:15 350:4 357:23 360:23 361:4 distances 306:18 306:20 distinct 301:6 355:3 365:9,23 distinctive 354:2	distorted 340:13 District 279:1,1 280:1,1 283:6 283:6 disturbance 355:9 dive 284:5 Division 279:2 280:2 283:7 divorce 286:12 doctor 372:6,11 document 284:16 285:1 285:16 286:3,6 286:9 289:23 289:24 299:7 299:12 300:23 301:5 305:4 329:7,9,14 331:1 342:11 373:25 document-hea... 293:18 documentation 289:13,17 295:15 298:1 298:15 305:8 documented 304:5 documenting 292:20 293:2 346:13 documents 285:13 329:6 337:25 doing 295:3 325:12 334:7 335:1,19 341:2 351:16 353:13 door 287:19 290:6,11 291:1 291:3,5,9 301:17,19 302:1,2,5,12 302:16,18,19 303:3,4,5,7,11	303:12,13,23 303:23 304:6,8 305:23 306:9 306:11,11,12 306:13,13 307:10,11,13 309:6,8,11,15 309:16,25 310:2,4,6,8,8,9 310:12,15,18 310:20 313:7 316:5 342:8 369:25 doorknob 307:17 doors 305:6,21 312:2 313:6 double 344:14 doubt 340:5 Dowd 279:16 280:13,13,13 283:15,15 284:2 285:2,4 285:6,15,19,21 285:23 286:2 286:16,19 287:9,13 291:14 294:19 294:21 295:7 295:17,23,23 295:24 296:6,9 297:16 298:5,5 299:24 300:1,3 311:3 312:17 316:22 317:22 320:15 321:6,9 322:7,9 327:19 330:8,11,13 331:6,14,25 332:7,11 333:7 333:23 336:20 337:10 340:1 341:3,7,9,11 341:14,18 342:19,19 347:8 352:1,24	357:9,11 359:5 369:5 370:8,11 370:14,18 371:11,13,17 371:19,25 372:4 373:5,12 373:14 374:15 374:17 379:6,6 379:6,12 Dowd's 373:18 Dr 286:12,25 374:3,9 dramatically 314:23 354:18 358:19 draw 318:21 346:6 350:19 drawing 317:5 drive 300:9 drop 306:19 319:16 due 337:6 duly 378:11 dwelling 369:24 <hr/> E <hr/> E 349:5 372:3 378:1,1 e-mail 295:19 379:9 e-mailed 295:18 ear 319:3 355:8 earlier 309:6 357:6 early 298:7 easily 354:19 Eastern 279:1,2 280:1,2 283:6 283:7 edge 307:17 344:3,12,15 345:2,12 346:4 346:19 edges 344:4 editing 371:1 effect 281:12 313:18 362:25	effective 305:9 360:1 eight 346:24 either 313:18 353:1 El 368:13 electrical 323:4 electronic 295:18 373:11 emitted 321:11 321:12,23 employees 338:7 338:9 Enclosed 379:13 engineer 370:21 370:23 engineering 297:7 370:13 371:3 engineers 370:23 enhance 323:6,9 ensure 296:7 enter 349:7 370:1 entered 309:7 331:10 349:10 349:17,19 enters 348:11 entirely 309:16 entrance 292:10 entries 291:25 297:12 entry 288:2 289:9,14,16,19 290:16 291:21 292:7 298:9,17 304:7 324:24 343:24 352:16 369:18 envelope 340:5 environment 361:12 363:3 363:13,17,24 364:2,17 equals 345:10
---	--	--	---	--

equation 361:5	340:25 348:6,9	306:24 307:4	316:14 317:3	369:22 379:13
equations	348:17 349:14	315:3 327:23	365:21	finding 298:18
306:16,19	349:17 350:13	329:11,12,20	factoid 356:6	332:21
equipment	351:22 365:24	329:21,24	facts 291:15	findings 299:7,9
318:22 319:20	365:25	338:24 344:17	fairly 345:22	330:15 331:21
321:15,25	ex-wife 286:7	349:5,5,6,25	familiar 330:15	332:8,18,19
322:2,12	ex-wife's 372:15	353:21 362:3	332:17 335:13	333:6,12
340:14	exact 307:10	364:21 373:23	360:25 368:15	fine 327:19
Erin 280:19	342:24 360:21	exhibits 282:23	Family 284:17	finish 338:6
283:14 369:5	361:4,16	293:23	far 305:15	finishing 305:22
372:7	exactly 297:24	exit 288:2 289:1	307:17,19	305:24
Esq 280:13,19	301:20 307:6	289:9,14,15,19	325:22 332:14	fire 296:11,11
280:19 379:6	311:7 323:13	290:6,8,13,16	356:22 357:14	329:2 335:5,8
establish 307:10	325:9,9 339:14	290:25 291:10	359:9,12	338:17 347:17
established	339:21 352:8	291:16,21,25	fast 330:12	349:2 356:13
315:22	examination	292:5,9 297:12	367:20,23	356:17 361:19
et 279:3,6 280:3	283:21 333:22	304:7 349:20	369:4	361:21 363:20
280:6 283:4,4	373:20 374:2,4	exits 348:11	faster 356:19	363:21 364:9
377:2,3 379:11	378:12	exonerate	368:24	367:22 368:19
379:11	examinations	298:14	father 286:9	368:23
ETU 351:21	350:22 351:13	expect 328:8	Federal 281:4	firearm 282:9
event 326:9	examine 333:13	expected 308:3,5	281:12	356:8
354:12,23	360:8	308:7 328:17	feedback 368:14	fired 296:11
355:14	examined	expensive	feel 341:18	301:24 303:17
everybody	283:18 286:11	318:24	feeling 358:14	303:20,21
374:15	286:15,18	experience	feels 369:18	307:23,25
evidence 282:7	378:11	297:8 350:21	feet 311:14	308:4 309:6,10
291:15,15	examiner 351:21	351:12,16	326:1,4,6	310:17 311:14
295:13 296:10	352:18	371:2,4	345:20 346:24	311:22 312:9
296:14 303:19	examiner's	Expires 376:22	357:7,21 361:9	312:14,22
303:21 304:1,5	353:5	exposed 370:7	361:10	313:3,5,8,11
304:10 307:24	example 356:12	extend 346:5	fence 324:20	313:12,19
309:2,12,12	excuse 303:11	extensively	fences 325:24,24	314:8,14 328:1
312:18 313:6	exhibit 282:1,1,3	370:23,24	fidelity 319:2	328:9,18,25
313:10,17	282:5,7,9,11	exterior 302:17	field 296:16	330:4 331:13
314:1,14,23	282:13,15,17	extremely	file 283:2 295:18	331:23 332:10
318:16 319:24	282:19,21	319:13 348:24	295:21 325:7	334:4,5 335:23
328:5 329:3	284:14 288:9,9	367:14,20	filing 379:18	339:2,8 342:9
330:5 331:10	288:10,21,22		filming 358:10	343:20 345:14
333:25 334:3,3	289:8,23,25		finally 285:9	345:14,21
334:7,9,25	290:1,18,24		find 284:13	352:7 353:22
335:8,13,15,17	293:16,23		298:13 299:3	355:4,10
335:22,22	294:1,24		306:8 308:3,5	356:13 362:5
336:1,2,5,10	300:21 301:5		308:7,8,14,18	362:19 363:3
337:2,19	301:11,13,15		308:21 309:2,4	363:13 364:1
338:15 340:3,4	302:4,20		310:11 364:20	365:11,25
		F		
		F 378:1		
		face 339:2		
		facility 368:18		
		fact 287:2		
		311:12,18		
		313:23 314:7		
		314:21 316:12		

366:23,24 367:6,8 368:3 firing 309:12 313:4 331:7 338:19 339:1 352:10 firm 295:18 296:6 298:5 first 289:24 292:18 293:2 298:11 306:4 319:19 342:16 349:23 366:25 five 315:22 324:10 333:4 334:6 335:9,11 338:23 342:8 350:2,3 fixtures 312:2,3 flash 316:24 317:21,24 318:2,9,19 324:16 326:13 362:24 369:14 flat 324:5 flaws 323:13 flight 355:2 flip 294:22 301:2 321:19 floor 299:6 313:10 341:24 342:1,4 343:9 347:1,7,23 348:4,7 349:2 349:23 350:2 350:11,16 352:16 353:9 flying 356:3 follow-up 373:18 followed 299:21 following 299:16 follows 283:19 358:6 footsteps 324:19 325:25	force 281:11 foregoing 376:5 forensic 371:4,7 forensics 297:2 forgive 356:23 forgot 341:20 form 332:1 344:3 361:2 formally 298:4 forming 329:14 formula 345:11 Fort 364:8,8 forth 343:11 found 284:10 303:19,20 304:4,6 308:7 308:16,16 309:12 313:9 313:12 314:10 348:1 four 295:6 301:6 308:16 339:19 339:21 345:20 366:25 367:5 372:25 fourth 302:21 Fowlkes 368:21 fragment 349:11 349:12 fragmented 349:21 fragmenting 303:24 frame 305:23 307:17,19,20 316:1,22 325:17 365:11 frames 312:2 frangible 349:15 frequencies 320:1 324:2 327:9 front 290:7 302:1,13,15,18 303:4,4,7,9,13 303:23 304:8	306:13 309:7 310:8,20 320:10 326:5 342:8 357:20 full 349:14 372:24 function 334:19 further 281:14 350:4 373:20 373:25 374:13 <hr/> G <hr/> gain 286:7 gates 316:14 general 297:13 312:12 generally 292:9 355:5 356:3 359:13 generating 296:14,25 getting 290:19 337:13 366:4 367:25 372:17 gi- 286:14 296:1 Gina 279:3 280:3 283:3 377:2 379:11 give 285:9 289:22 297:20 300:22 319:11 319:16 323:9 327:16 332:15 340:17 351:4,7 361:16 368:14 369:8,8,17,22 370:9 given 286:14,17 296:2,3,4 341:23 369:19 gives 320:13 360:24 giving 300:15 glass 341:3,4,19 go 285:11 288:8 288:20 293:22 298:23 301:2	311:5 315:2 319:6 320:2 324:11 329:10 330:9 332:20 336:6 343:11 343:13,15 353:19 370:5 370:18 371:6 going 284:14 285:2,2,4,7 287:15 290:17 293:17 294:22 301:2 305:21 305:22,23 322:25 326:18 338:16,17,21 347:17 353:13 360:11,12 364:18 369:5 370:4,8,11 371:9 374:22 good 283:24 297:20 306:2 322:19 323:14 357:2 goodnight 374:18 gotten 358:25 grab 320:3,5 353:13 grain 356:13,17 grandfather 334:18 ground 345:20 347:14,19 348:14,14,23 349:1,1 group 293:20,23 293:23 294:1 350:7 guess 317:14 326:4 337:4 348:21 349:3 352:4 357:20 guitar 327:4 guitars 327:11	gun 303:17 314:21,22 328:17,21 334:2 335:5 338:22 342:9 344:24 348:7 354:1 gunfire 359:17 359:18 gunpowder 328:12 338:21 guns 354:1 gunshot 354:11 354:22 guy 338:20 347:13 guys 367:23 368:21 374:19 <hr/> H <hr/> ha- 373:5 half 292:23 364:18 Hall 280:20 hallway 310:5 Hammett 327:25 341:23 346:25 347:23 352:2 Hammett's 349:7,10 351:19 hand 294:7 368:8 handgun 367:19 handguns 363:22 handle 334:13 335:10 359:21 handled 296:20 335:12 336:10 336:13 337:2,7 337:18 handling 338:14 hands 328:23 happen 326:24 happened
---	---	--	--	--

312:22 374:7 happening 340:6 348:2 hard 301:7 342:7 345:25 345:25 hardwood 342:4 headphones 319:17 322:15 322:16,19,20 headstamps 314:10,13 339:13,17,19 hear 304:16 312:25 315:7 315:17,24 316:1,3,14,15 316:21,23 317:7,20 318:18 324:16 324:18,18,19 324:21 325:23 325:23 327:2,9 327:10,12 354:25 355:1,5 355:8 heard 304:21 317:12 324:19 324:20 326:16 353:22 361:17 361:19,21 362:4,19 363:2 363:12,25 364:4 hearing 326:25 327:5,13 heavier 340:11 356:2 height 345:13,19 352:6 held 283:9 358:20 hereunto 378:15 herewith 378:14 379:13 Hiawatha	279:24 281:7 378:8 379:1 hider 362:24 high 319:2,13 323:5 345:7 highly 311:18 339:18 352:14 Highway 363:17 hired 372:6,11 372:16,16 history 369:16 374:11 hit 301:19 302:13 303:3 310:20 313:7 347:19,20,25 349:22 hitting 347:23 hold 320:5 321:17 326:10 holding 294:7,14 295:3 320:16 359:3 holds 354:1 hole 288:2,2 289:1,8 294:8 294:15 298:9 298:10,13,14 298:17,19,20 298:22 299:1,3 299:4,5,18 301:8,11,14 302:2,3,8,11 302:21 305:15 305:17,19 306:7 holes 289:15,19 290:6,8,13,14 291:1,10,16,21 291:25 292:7,9 292:10 297:10 297:11,11,15 297:22 298:2 298:19 301:6,9 302:23 304:6,7 304:7 305:11	307:4,14,15,16 307:18 308:8 314:16,16 342:4,6 344:2 344:14 home 300:14 302:16,17 303:5,14 310:5 313:13,14,15 370:5 honestly 311:6 Hood 372:19 374:5 hooked 321:14 321:16 horizontal 348:18 Hornady 349:15 horribly 369:3 hour 371:10,18 hours 285:9 287:11 295:6 369:5 371:22 house 296:12 301:18,25 302:13 303:2 303:22 304:4 309:21 310:19 313:9,11,17 314:5,7,7 315:25 324:22 352:11 364:1,3 364:3 housekeeping 289:22 houses 364:18 huge 314:19 human 319:3 humor 351:3,7 hundred 326:6 357:21 hundreds 296:3 hundredth 360:18 hypotenuse	345:9 346:8 <hr/> I identical 339:20 identification 288:11,23 290:2 294:2 329:13,22 identified 298:17 identify 283:12 II 279:10 281:3 283:2 374:21 377:1 379:13 IL 279:20 378:22 Illinois 378:5 image 302:25 306:22 imagination 286:15 imagine 298:7 340:6 immediate 309:7 impact 304:9 305:25 307:18 342:15 343:10 343:17,19 344:13,14,20 344:22 impacts 309:14 310:7 342:6,9 343:8 346:5,12 347:15,25 348:6 imperfect 300:19 impossible 288:5 339:19 348:12 359:2 368:19 369:4 impressions 339:2 imprint 305:18 338:19 improper 338:14	improperly 336:24 337:1 inch 367:13 inches 307:19 348:16 362:17 362:18 include 310:23 310:25 311:16 312:15 included 311:9 including 299:5 incorrect 291:1 increase 323:10 incredible 368:9 independent 352:17 INDEX 279:14 282:1 indicated 379:17 indicates 338:25 indicating 348:17 Indirectly 356:2 individuals 336:23 industry 287:3 information 287:14 292:2 312:15 332:24 333:9 initial 366:5 368:2 initially 298:11 injuries 351:19 inside 301:18 302:18 303:18 304:7 313:13 358:10,16 364:3 inspected 293:7 328:18 inspection 292:21 293:4 293:14 inspections 300:13
--	--	---	--	---

instruments 327:8	371:23 372:19 374:10	336:4,7 337:22 342:17 343:20	lasted 372:23	377:16,18
Inter 328:2,25	judges 370:1,9	343:21 344:7,8	lately 322:17	lines 345:17
331:12,22	Judgment	346:7,16,23	law 295:17	346:5
332:9 339:3	282:19 289:25	351:8,23,25	296:6 298:5	link 324:20
362:9 363:2,6	June 306:10	352:3,6 354:7	lay 345:11 346:4	325:24
363:8	331:24	356:24 357:3,4	layer 345:17	list 282:7 330:20
interested		357:4,25 358:9	laying 312:4	366:20
295:13	K	358:13 360:20	348:13,14	listen 319:1
interposing	K 280:13,19	361:7,14	leads 310:9	325:7
370:15	379:6	364:17 369:25	leaning 313:23	listened 322:14
interpretation	K-2 282:11	372:25 373:9	left 290:11 310:3	351:20
364:23	290:24	knowing 353:21	348:11 349:20	listener 323:9
interrupt 328:19	K-2-4 282:13	361:4	legally 327:25	listening 315:16
intersect 345:19	288:21,22	knowledge	length 324:2	315:23 323:17
interwoven	289:8	376:6	357:19 366:8,9	listing 336:7
349:16	K-2-5 282:15	known 304:17	366:10 367:11	lists 295:14
inventories	288:9,10		367:15	330:4
295:14	K-3 282:17	L	length's 363:9	literally 304:11
inventory 295:9	306:24	L 279:11 281:4	Leonard 364:8	little 289:21
investigation	keep 311:15	282:5 283:3,17	let's 288:8,20	297:1 318:11
285:11 304:14	368:11	374:22 376:4	289:23 293:22	live 351:14
304:18,19,22	kept 298:18,19	376:11 377:1	319:19 324:5	354:13 364:9
304:23,24	kids 367:23	379:14	326:20 329:10	372:24
investigators	370:6	lab 330:3 332:12	329:19 343:15	living 290:7,10
344:1,4	killed 341:23	332:15 334:4,5	361:25	299:6 308:15
iPhone 357:1,5	kind 295:9	335:7 336:19	level 345:25	308:19
irrelevant	319:20 321:8	337:8	359:11 360:19	lo- 342:16
359:17,19	322:16 324:22	label 288:20	levels 359:22,23	located 302:14
issuance 281:10	332:6,6 357:25	289:23 293:22	359:25 361:1,6	307:22 309:1
issue 328:16	358:9 360:12	labeled 340:25	light 298:12	310:15 342:4
341:16	kinds 363:20,21	laboratory	368:25	348:1 350:7
it'll 343:4	kitchen 308:17	282:9 329:18	lighter 356:4	location 289:20
	knock 370:3	336:19	Lightfoot	290:16 291:22
J	knock-and-an...	laid 343:23	286:12,25	292:5 325:20
J 282:9 329:20	369:13	346:19	374:1,3,9	359:3,16,19
329:21,24	knocking 357:15	larger 292:10	lightning 290:19	locations 283:11
338:24	357:15	307:16	liked 328:11,11	Logitechs
jacket 349:14	know 287:8	largest 305:18	328:13	322:18,21
jammed 334:19	290:13 292:11	laser 289:5	limit 287:9	long 292:25
jaws 343:23	294:16,18	292:8,14,16,17	limited 317:25	295:5 311:5
349:18	297:18 301:16	298:12 304:8	361:8	323:25 324:8
JBL 319:10	301:20 302:10	305:12,17,20	limits 359:10	359:17,20,24
320:12 322:14	312:3 317:17	305:22,24	line 285:8 310:6	367:14,21,22
322:25	322:8,24	307:14 344:12	310:9,18 377:4	longer 292:24
job 306:2	323:23 324:21	344:13	377:6,7,9,10	334:15,17
judge 369:17,22	327:7 334:6	lasers 344:4	377:12,13,15	look 287:23

289:6 295:19 301:3 312:1,3 312:5 314:20 323:24 324:1,2 324:8 330:8 333:19 335:16 335:18 338:18 339:14 340:17 343:2 368:13 368:13 looked 287:16 289:23,24 299:18 300:9 309:3 311:6 325:11,15 330:20 340:13 342:19 looking 288:4 289:11 294:23 298:13,14,20 305:22,23 312:10 314:22 339:24 340:1 344:17 349:4,6 looks 286:6 288:9 330:3 331:7,7,8 364:25 loss 327:5,13 lost 332:6,6 lot 305:8 312:13 313:4 324:23 325:25 332:15 332:24 336:8 356:5 364:14 373:8 Lou 280:23 loud 354:11,23 louder 359:14 360:1 Louis 279:6,25 280:6,15,21 281:8 283:4 284:17 296:4 308:8 313:10 335:14 337:3	363:16 374:10 374:11 377:2 378:8 379:2,8 379:11 Louis' 304:5 low 327:12 348:11 352:12 lower 307:19 323:10 352:10 356:3 359:22 359:25 LSR308 320:13 lubricated 328:21 lying 317:18 341:24 342:1 347:1,7 348:4 348:23 <hr/> M <hr/> M 372:3 ma'am 302:6,9 307:1 309:9 310:13 315:11 341:25 347:11 350:23 354:10 358:13 359:6 361:22 362:2 368:4 371:7 ma- 305:20 machine 343:22 maga- 312:5 magazine 312:5 magazines 349:16 magnets 323:3 magnified 340:17 magnifying 341:3,4,19 main 318:20 making 306:16 manipulated 314:1,23 manufacture 356:7 manufacturer	314:11 manufacturers 339:21,22 map 351:18 mapping 305:7 mark 288:8 289:15,23 297:8 301:21 302:1 329:10 329:19 344:11 350:17 365:3 371:10,18 marked 288:11 288:23 290:2 294:2 306:24 308:9 327:23 329:13,22 353:21 Market 280:20 markings 338:18,19 marks 328:13 345:18 348:16 350:2,13 353:9 353:9 married 284:8 287:7 372:25 Masuga 279:20 279:24 281:7,9 378:3,7,22 379:1,21,23 match 314:14 331:9 334:5 339:22 368:3 matches 302:2 313:13 matching 339:2 mathematical 345:11 matrix 356:5 matter 283:3 287:2 313:24 325:21 331:18 341:23 358:16 359:4,12 363:6 363:11 365:21	379:14,19 matters 359:8 maximum 305:20 Maxx 368:22 McGowan 279:15 280:19 283:14,14,22 284:16,20,22 284:23 285:14 285:16,20,22 285:25 287:18 287:21 288:8 288:12,17,20 288:24 289:21 290:3,17,22 293:16,19,22 294:3 296:21 296:23 300:22 301:1 317:24 318:3 329:10 329:19,23 330:10,14 340:2,7 341:5 341:7,12,21 352:2,5 369:7 369:10 370:17 370:19 371:8 371:12,14,18 371:20 373:16 373:21 374:12 374:16,18 379:18,25 mean 297:11 307:5 308:1 314:19 317:14 325:6,11,24 326:19 328:5 328:20 330:17 332:19,20 333:12 334:6,8 334:19 339:22 354:13 365:7 365:25 369:1 369:15 means 334:3	measure 292:12 298:12 345:2 357:23 360:14 measured 301:8 301:9 304:9 measurement 298:16,22 measurements 298:9 301:5 measures 344:5 360:18,22 measuring 294:8 294:15 295:4 301:21 346:11 media 305:6 medical 284:10 348:8 350:22 351:12,21 352:18 353:2,5 meeting 283:9 member 347:3 members 368:11 memoranda 350:6 memories 300:18 memory 300:15 307:20 346:20 346:21 men 372:25 mental 284:7 374:2,4 messy 308:11 metal 349:14 methodology 305:10 344:25 366:15 mic 359:17,18 micro- 357:25 microphone 358:7 359:10 359:20,24 microscope 333:17,18,25 microscopically 340:23,25
--	--	--	---	---

midrange 323:10	327:16	named 299:17	376:21	off-the-record 300:24
mil 307:16,18	monitor 319:20	names 336:7	note 327:10	offering 300:10
312:5 356:16	319:21 320:19	narcissistic 284:11	371:21 379:16	Office 280:18
356:21	321:13,14,16	narcissistic 287:1	notes 292:20	officer 313:3
millimeter 294:8	322:25 323:1,5	narrows 349:18	346:13 350:5	315:21
294:15 298:19	323:11 327:16	Navy 351:14	371:9,14	officers 313:4,21
301:8 333:14	monitors 319:10	near 310:15	nother 328:16	313:25 314:17
338:25 354:8	319:12 322:14	necessarily 349:7,22	notice 281:10	315:18 316:13
356:12 367:4	months 326:24	need 292:2	335:14	316:21,23
mind 371:8	331:4 333:3	322:3,5,5	number 283:2,5	317:20 318:7
minus 326:4	372:23	331:2 344:15	289:20 290:8	318:18 324:16
357:19	motion 286:2	350:1,3 373:3	293:25 297:14	326:16 348:24
minute 285:6	360:6 371:22	negative 328:4	297:20 298:1	352:6,9,12
minutes 319:16	374:14,24	neglected 289:22	311:22,22,23	354:15 369:11
324:10 333:4	move 285:7	never 307:24	312:9,10,13	officers' 317:6
343:7 349:4	296:21 324:6	327:25 328:2	314:15 319:16	326:13
369:8	359:11 361:7	331:13,23,23	320:13 337:6	offices 281:7
missed 308:10	370:16	332:10 347:15	O	378:7
365:24,24	moved 325:25	347:18	O 372:3	Oh 285:14 291:4
Missouri 279:1	348:1	new 285:13	oath 330:23	355:16 370:17
280:1 281:8	movement 326:8	288:18,19	object 285:6,7	372:14,14
283:6 284:18	moving 288:12	368:9	291:14 297:16	okay 284:14,22
378:5,9	293:16 298:19	ni- 367:2	299:24 300:1	286:5,19,24
Misstates 337:10	301:13 344:16	night 370:6	317:22 321:6	287:15,17,22
357:11	346:1 352:11	nine 338:25	331:25,25	288:17,20
mix 340:3	MP5s 363:22	no-knock 369:17,19,22	370:11,14,15	291:10 294:6
mixed 339:13,16	MP5SDs 363:22	369:24 370:9	objected 332:7	294:13 299:12
mixing 319:24	multiple 310:17	Nodding 284:19	objection 300:3	300:18 301:4
MMPI 287:4	334:23,24	284:21	312:17 316:22	302:14,20
MMPI-2 286:22	336:12 345:18	noise 324:23	321:9 331:6,14	303:6 306:23
mo- 319:15	346:5	non-responsive 370:16	337:10 347:8	307:2,12
MO 279:20,25	music 319:24	nonresponsive 296:22	357:9,11	309:10 313:24
280:15,21	323:6 371:1,1	normal 315:22	370:15	314:3,7 315:3
378:23 379:2,8	371:2	347:13 360:20	objections 332:11 333:7	315:15 316:17
model 319:7,11	musician 327:2	normally 338:15	observation 326:12	317:5 318:4,7
319:16 320:13	370:24	North 280:14	observed 290:25	319:9,22 320:8
322:23 331:13	muzzle 354:25	379:7	obvious 303:16	321:21 322:23
331:23 332:10	355:2,5 362:24	notarized 379:17	obviously 313:4	322:25 324:11
339:3 361:19	363:10	NOTARY	328:6 345:15	324:14 325:4
361:19 362:19	N		348:17 358:24	330:7,11,13,15
362:21 363:12	N 282:19 289:25		366:1	331:5 332:5,23
363:25 366:7	290:1 372:3,3		occasion 362:9	333:5,10
Modification 282:19 289:25	373:23		occasions 373:8	334:14 335:23
moment 304:12	name 319:16		occurred 347:22	336:4 338:20
	324:1 337:22			343:1,25
	378:16			

344:21 345:4,6 348:6,7,13 350:5 353:17 353:25 355:6 355:23 361:2 361:12 362:3 365:2 367:25 371:25 372:21 372:21 373:2 374:8 old 367:24 once 289:2 343:11 One's 323:16 ones 299:5 open 309:16 325:19 335:15 opens 310:5 operate 327:8 operates 359:24 operator 345:15 345:21 348:7 348:14 operators 354:16 opinion 291:12 310:14,17,23 310:25 311:8 313:24 316:5 316:10 318:5 318:18 328:2 331:12,22 332:9 335:4 336:23 341:22 347:6,21 349:24 353:6,7 353:8 369:11 370:4 opinions 282:5 285:10 292:14 293:13 300:11 300:12 314:25 315:9 317:6 329:15 331:18 333:2 361:3 opposite 305:19	order 361:2 ordered 373:25 374:3 Ordinance 328:2 328:25 331:12 331:22 332:10 339:3 362:10 363:2,6,8 organ 354:4 original 288:15 299:2 343:24 379:15,17,18 originally 288:3 originated 344:23 originating 281:6 378:7 outside 308:16 313:12,14,15 314:6 315:25 overlap 365:22 366:1 overlapped 365:13 overlapping 365:7,11,15 366:23 367:1,6 367:9 Overly 331:14 331:25 332:1 overmodulated 360:2 owned 327:25 <hr/> P <hr/> P 282:21 293:23 294:1,24 300:21 301:5 301:11,13,15 302:4,20 344:17 349:6,6 349:25 350:7 p.m 283:8 374:25 PACT 360:14,16 366:14,16,17 366:18 367:9	368:8 page 279:14 282:1 301:11 301:13,15 302:4,7,20 315:6 327:22 344:17,18 347:22 349:25 353:11 361:25 364:22,22 366:3 368:1 377:4,6,7,9,10 377:12,13,15 377:16,18 379:15,17,18 pages 301:3,4 331:1 332:25 333:1 pair 320:9 347:4 Paragraph 315:15,17 353:20 366:5 373:24 parallel 343:22 347:14,20 part 297:5 354:14,20 364:19 370:25 participated 351:15 particular 348:22 362:19 366:7 particularly 292:10 367:21 party 374:2 passerby 315:9 passing 347:22 path 292:8,11 305:5 343:24 344:11 348:9 paths 348:20 pause 320:6 327:20 353:15 PC 280:13 379:6 PD 296:4 313:11	335:14 337:3,8 pending 281:15 283:5 371:23 374:13,14,24 375:1 penetrating 303:23 people 305:6,8,9 334:7,13,24 335:10,12,18 335:24 336:2,8 336:8,9,13 337:2,6,18,20 338:23,23 354:14 357:15 368:7 perfect 312:13 324:7 perfectly 326:11 perform 304:13 304:17,24 306:6 335:5 338:16 performed 305:1 306:3 326:25 328:9 performing 346:9 period 365:16 permanent 312:2 person 299:16 300:14 325:11 325:20 326:2 347:18 351:22 358:9 359:3 362:20 368:19 372:16 person's 359:9 personality 284:11 287:1 personally 336:8 351:18 personnel 337:8 337:8 pertinent 287:13	287:14 Ph.D 374:1 phone 315:1,8 315:12 317:8 317:19 318:17 318:23 320:23 321:7,22 322:4 322:13 323:20 324:15 325:2 325:10 326:2,8 326:10 340:16 340:21 356:22 356:23 357:7 357:14 358:3,5 358:20 359:4 360:3,8,10 361:3 364:12 364:24 365:20 photo 282:11,17 288:18,19 294:4,10 306:25 photograph 288:4 289:10 293:25 296:9 299:13 301:12 301:20 307:9 342:13,17,20 342:25 343:4,6 photographer 293:5 299:17 photographing 299:17 photographs 288:6 290:15 293:1,6,9,12 293:21,24 294:17 295:2 295:10,16 296:7 299:22 300:5,8,10 342:18 346:9 photos 282:21 294:20,23 295:7,20,22 296:3,5 303:25
---	--	---	--	---

phrase 351:4	play 320:23	possible 300:22	problem 337:16	366:9 367:11
physical 282:7	321:22 326:20	309:16 313:2	349:12 373:2	367:21 369:4
293:14 348:20	327:3,4,4,12	339:16,18,24	problems 314:19	pulled 340:5
363:1	360:5,5	352:9,14	369:16	pulling 309:18
physically	played 320:24	365:13,17	Procedure 281:5	329:5 342:11
290:16 291:22	320:25	366:7	procedures	373:23
292:4 300:13	playing 321:5,7	posted 288:16	335:14	purpose 285:8
physics 305:16	325:2 370:25	powder 308:5	proceedings	323:12,12
piano 327:4,10	please 283:13	348:16 354:1	286:13 320:7	purposes 323:16
pick 325:22	287:9 290:18	356:14,19	327:21 353:16	pursuant 281:4
333:11 359:9	293:17 304:15	precision 305:20	proceeds 305:5	378:6
359:12,13,20	320:4 331:16	346:1	process 287:8	put 335:22
359:22	341:12,13	prepared 285:16	306:4,6 321:21	336:10
picked 299:19	351:11 379:13	prepping 326:23	346:10,14	Pythagorean
picking 325:25	379:16	present 283:12	produced	345:6 346:6
picks 359:18	pleasure 323:17	292:4 306:9	283:17 356:8	
366:18	plural 365:6	presented	professional	Q
picture 292:1	plus 326:5	314:15	284:11 287:3	quality 289:3
294:7,14	345:10 357:19	Presidente	328:22 367:22	297:7 319:14
309:22 310:3	point 288:10,22	368:13	professionals	323:5 357:2
310:21 313:8	290:1 294:1	pressure 354:5	319:23 368:11	quarter 367:13
350:4,12,12,18	300:24 303:16	355:18 359:11	program 297:5	question 291:6
350:19	304:11 319:3	359:22,23,23	354:15	291:17,18
pictures 291:19	320:6 327:20	359:25 360:19	prohibit 366:23	300:12 304:15
331:20 333:19	328:15 329:12	361:1,6 362:22	projectile 331:8	304:16 308:24
350:3,14	329:21 332:21	pretty 306:2	355:11 356:13	312:8 325:13
piece 299:18	353:15 360:13	318:8 330:12	projectiles	331:15 332:3
337:2	pointing 348:7	345:20	311:23 312:10	333:4 334:24
pieces 304:10	points 323:14	prevent 367:7	338:18 339:14	337:3,12 338:6
333:8 349:21	police 313:3	previous 302:22	339:20	347:5,10,11
pin 331:7 338:19	315:7,19,21	303:2,25	proper 296:7,13	351:4,8,9,11
339:1	316:3,4,16	350:24	296:15 379:18	353:19 361:12
pipe 354:3	338:8,10 339:8	previously	properly 359:24	361:14,16
pitch 324:4,4	354:15 363:16	287:16 306:24	provide 307:3,5	371:13 373:16
327:9 354:3,4	Polk 364:8	327:23 342:3	312:21 348:22	questioned
356:20	poor 289:3	350:23 353:20	364:23 369:11	357:14
placards 312:4	poorly 296:18	principles 297:6	provided 284:2	questioning
place 334:17	popular 361:24	prior 285:17,22	295:22	373:18
placement	position 298:21	316:4 318:9,19	psychologist	questions
311:14	342:10 344:24	329:24 331:2	284:8 287:7	279:14 284:23
Plaintiffs 279:4	350:1 352:11	331:17 333:1	374:6	285:7,25
280:4,11 281:2	352:13 363:1	337:10	PUBLIC 376:21	287:10,21
283:15	possession	probably 290:20	pull 284:14	288:24 290:3
plane 348:18	299:23 300:4	295:6 324:10	287:16 290:17	290:22 293:19
planned 285:22	possibility	325:18 326:6	306:21 315:2	294:3 296:23
plaster 292:11	348:17	345:22	353:12 361:25	301:1 314:25
				318:3 319:19

321:6 322:10 329:23 330:14 340:7 341:21 352:5 369:9,10 370:19 372:1 374:13 quickly 287:11 371:9,15 quiet 316:15 324:22 325:24 359:13,15 quieter 359:21 359:25 quite 301:16 308:10 327:2 327:12,12	realize 371:10 371:15 really 327:12 357:2 364:15 364:16,18 rear 309:15 310:4 reask 291:17 351:9 reason 306:19 349:2 369:23 377:5,6,8,9,11 377:12,14,15 377:17,18 recall 287:23 289:2 290:8,10 307:20 308:20 308:23 311:7 325:6,16,17 326:12 330:20 331:19 332:20 351:2,6 360:7 received 296:13 recognizable 354:19 recognize 286:3 294:4,10,23 296:5 306:25 342:13 354:16 356:16,20 recoil 366:9 367:15,17,18 recoiling 368:25 record 283:1,13 289:19 335:19 335:25,25 344:16 358:7 374:23 recorded 298:1 325:10 356:22 356:25 357:7 361:9,10 recording 299:15 315:9 320:1,19 322:13 323:13	325:12,20 326:2,3 357:5 358:7,12,17 359:1,4 360:4 360:10 361:3 364:12,24 365:20 366:18 366:22 371:1 records 368:12 recovered 311:23 328:14 333:14 335:6 339:1,3,17 340:9,11,15 362:10,12 recovery 366:9 367:15,17 red 288:1 reduce 352:13 refer 298:16 315:12 350:6 referred 286:9 referring 336:18 343:7 refrain 341:7 refuses 369:17 refuting 339:4 regard 349:25 354:8 regarding 361:3 regardless 297:11 rehung 307:10 307:13 relationship 359:17 Relevance 321:9 reliable 334:10 relied 293:14 rely 293:12 318:20 329:14 relying 300:15 318:16 346:20 346:21 348:5 368:6 remeasure	298:24 remember 287:7 292:24 301:16 301:21 311:25 323:25 345:6 346:22 350:13 372:10 remembered 341:14 removed 372:20 rendering 292:14 293:12 315:9 331:17 333:2 repeat 304:15 332:3 rephrase 308:2 331:16 337:12 replicate 319:15 report 282:5,9 284:2 310:23 311:3,7,9,15 312:16,17 327:15,22 329:18 330:3 330:16,22,25 331:2,11,17,19 331:21 332:9 332:18,24 333:3,6,9 334:10 336:3,6 336:9,16,19,20 336:22 338:12 353:5 361:17 361:18,25 362:4 364:23 366:3 372:12 Reporter 279:20 281:9,10 284:19,21 378:4,4 Reporting 279:24 281:7 378:8 379:1,21 reports 315:18 336:11,18	represented 311:8 338:24 reproduce 319:25 323:4 323:12 request 321:20 343:12,16 352:22,25,25 reserved 281:15 375:1 reset 366:10,17 367:22 residence 294:19 326:2 residue 308:5 328:12 338:22 respect 297:9 response 372:9 result 347:22 370:1 retained 298:4 return 379:17 returned 378:14 verb 364:14 364:15,16 reverberation 364:13 review 300:10 315:8 316:11 316:20,25 317:2,8 323:20 324:15 326:15 326:19 331:17 331:19 333:1 337:25 371:9 reviewed 326:21 329:24 331:2 333:3 336:9 reviewing 350:14 371:14 revolves 351:17 Richard 280:13 283:15 296:6 341:12 379:6 rifle 301:24 327:24 328:2,5
R				
R 378:1 radio 322:22 325:1 raise 323:10 raised 317:16 ram 369:13,25 range 326:7 327:9,11 354:14 360:17 361:22 363:17 363:21 365:23 368:18 rattle 316:14 324:20 325:24 rattled 304:16 Rdowd@dow... 379:9 reach 303:15,16 reactions 313:19 read 320:11 330:12 331:3 373:6,9,11 377:4,6,7,9,10 377:12,13,15 377:16,18 379:16 readable 311:16 ready 353:17 real 319:2				

328:9,25	305:4	sang 324:5	366:4,13	334:3,6 335:9
331:23 332:10	Roger 287:12	Sara 279:20	seconds 353:14	335:12 338:23
334:7,13,15,18	366:11	281:9 285:17	366:6	346:23
334:24 335:8	Ronnie 368:21	300:22 373:15	see 284:16,25	Seventy-five
335:19,21	room 280:20	378:3,22	287:18 288:19	326:6
336:1,2,5,10	290:7,11 299:6	379:23	291:22 292:8	severe 352:16
336:13,22,24	308:15,19	saw 300:13	307:16 309:22	shade 323:14
337:5,7,15	319:11 322:6	303:24 307:24	309:25 310:21	share 295:21
338:14 339:3	342:5 343:9	saying 316:6	313:16 315:3,5	sharing 295:21
348:13 361:19	345:16,16	326:13,17	320:8,13,16	Sharon 286:12
362:10,14,16	347:1,7 348:4	334:11,18	322:18 328:17	286:25 374:1
363:3,4,5	348:12 350:9	335:11 337:6	329:3 330:21	SHEET 377:1
364:1 365:6	370:1	346:25 348:3	330:21,25	sheets 379:18
366:8 367:12	Rorschach	365:8 368:5	332:19,19	shell 308:14,18
367:18,19	286:23 287:5	says 320:12	343:14,15	308:21 312:10
369:1	round 312:12	scallops 342:7	348:2 349:18	313:9 314:15
rifles 348:18,25	314:13 349:15	scenario 313:20	349:19 350:1	shells 349:17
362:12 365:6	354:18,25	313:20 347:13	350:16 362:1,3	shine 305:17
rifling 328:13	355:1,4,4,10	scenarios 313:2	373:24	shined 307:14
right 286:1,8,21	356:13 361:21	369:2	seeing 325:17	shoot 334:14,16
287:15,22,25	363:4 366:24	scene 295:5	seen 285:1,3,5	347:3,17
288:17 289:7	roundest 305:18	296:18 297:10	328:12,13	348:25 362:9
290:4,23	rounds 303:21	297:23 298:2	329:7,8 332:14	364:3,3,7
293:20 294:7	310:18 311:22	298:23 311:24	semi-automatic	367:23
294:10,16,22	312:9,14,22	312:1 313:23	327:24 361:19	shooter 307:22
295:1 298:10	313:5 314:5,6	313:25 314:10	363:13 364:1	307:22 309:1,1
299:1,23	314:8,12,12	330:6 335:6	366:8	309:12,17,19
301:10,13	335:23 354:8,9	339:1,17 340:4	Semi-Automat...	310:14 361:10
302:7,10,16,18	367:7	340:9,11,15	362:5	367:18 368:3
303:15 304:22	rule 345:11	344:1,4 359:21	send 373:11,14	368:25
307:17 309:7	Rules 281:5,12	school 345:7	sense 339:23	shooter's 311:14
309:23 310:7	run 347:19	371:6	341:2	shooters 368:9
310:21 314:24	running 371:10	science 297:4,5	SENT 379:9	368:10,10
315:6 317:1,8	371:15	screen 289:4	sentence 347:12	shooting 292:19
317:11,21	runs 323:8	315:4 342:14	sentences 347:12	303:19 309:3
321:11 325:15		screenshot	September	311:21 312:8
327:14,22	S	282:13,15	279:12 281:6	312:19 316:2,9
333:1 336:3	safe 370:2	287:16,23	283:7 378:7,16	317:23,23
340:9 341:22	sample 368:9	288:13	379:4	326:9 334:25
349:18 353:11	Samuel 279:11	sealed 335:15	Service 279:24	339:20 347:18
361:23 362:1	281:4 282:3,5	search 315:19	281:7 378:8	348:15 349:12
366:3 372:7	283:3,17	315:21 316:16	379:1,21	355:14 363:9
373:4,5	374:22 376:4	369:13	set 298:12	368:17
roadmapping	376:11 377:1	second 283:25	322:19 327:16	short 306:18
304:13,17,20	379:14	294:18 320:5	setting 370:25	347:19
304:21,21,25	sanctioned	360:18 365:3	seven 328:6	shorthand
	372:22			

281:10 378:3 378:12 shot 287:18 313:14,16 341:23,25 346:7 347:1,6 348:4,23 351:5 361:8 362:12 366:20,21,21 366:21 shots 309:6,10 311:15 313:18 328:24 329:2,4 330:4 335:5,9 339:2,25 340:2 340:3 347:4,14 352:7 360:15 360:18,22,23 360:24 361:11 365:5,7,9,10 365:12,15,23 365:25 366:5,6 366:19,20,23 367:1,1,5,6,9 368:2,20 show 295:15 320:2,12 330:19 350:14 350:15 showed 321:13 365:25 showing 289:3 291:19 293:20 306:23 shown 284:20 313:10 349:25 shows 302:2 322:22 335:2 343:24 Shughart-Gor... 364:9 sic 316:1 368:1 Sid 299:17 side 304:7 305:19,24 309:20 310:7	348:11 374:6 sides 289:6,11 291:23 292:12 sign 379:16 signal 323:7 324:6 signals 323:4,8 324:3 signature 281:15 349:21 352:13 353:22 354:8 354:17 355:17 356:15 358:18 358:20 361:11 362:25 364:19 375:1 377:21 379:15,17,17 379:18 signature' 368:2 signatures 320:9 354:19 355:3 signed 379:17 significant 296:10 311:12 311:13,16,19 359:14 361:13 364:15,19,20 367:19 significantly 309:17 314:2 359:9 similar 303:1 329:8 342:7 355:22 363:12 Sincerely 379:20 singing 324:5 single 298:13 299:5,18 354:11,12,22 354:23 364:17 sir 284:5,24 286:1,3,24 287:22 290:4 290:23 291:17 293:20 296:24 297:19,21	301:2,4 302:8 303:15 304:13 305:10 308:12 308:18,21 311:8 312:7 314:24 315:3 317:13 326:21 326:25 327:22 329:7,17,24 330:23 331:1 332:2,18 334:11,20 335:4 336:12 337:14 338:4,6 338:24 341:12 341:22 342:13 347:5 350:21 353:17 369:11 370:12,20 373:12,23 374:16 sit 289:8 297:21 307:2 325:4 333:5 342:21 346:16 357:3 365:14 site 289:5 306:4 Sitting 336:4 situation 329:1 347:16 366:25 370:3 six 324:10 328:6 348:15 size 345:16 355:15,17 Skipping 353:11 slickest 328:22 slight 356:20 slightly 355:21 356:15 368:9 slot 343:23 346:4,19 slow 360:3,6 slower 356:14 slowly 342:12 small 316:14	356:9 362:25 sofa 312:6 sofas 312:3 software 295:21 305:8 320:25 323:19,24 324:9 360:7 solely 316:11 solution 311:21 312:9,19,21 somebody 328:6 someone's 348:12 sons 317:16 sorry 295:8 322:11 328:19 332:2 341:20 349:5 sort 343:23 sound 318:24 319:8,13,13,15 319:23 320:9 320:19,20,25 321:11,23 322:5 323:4,6 323:10,15,18 324:2,6,7 325:23 353:21 354:7,11,12,17 354:19,22,23 355:3,8,9,12 355:14,16,20 355:24 356:8 356:15 357:2 358:18,20,25 359:12,23 360:19 361:1,6 361:8,11 362:21,23,25 363:11 364:19 366:18 370:13 370:20,22,23 370:24 371:2 sounds 316:15 325:24 354:2 357:5 359:10	359:14,21,25 360:1 364:11 368:2 source 355:15 speaker 320:17 320:18 323:1,5 323:6,7 speakers 321:12 323:2 speaking 360:20 spec 362:22 specific 297:14 333:9 361:15 specifically 296:15 312:12 319:14,25 332:21 341:1 351:17 speculate 358:4 speculation 297:17 357:22 speed 367:23 spent 311:22 312:9 SPL 360:25 361:2 split 360:22 366:6,13,19 368:13,20,23 splits 323:7 spoke 283:25 284:3 290:5 spoken 373:7 Sporter 327:24 328:25 331:12 331:23 332:10 361:19 362:10 363:2,12,25 366:7 369:3 SporterModel 362:5 spot 345:19 squared 345:9 345:10,10 SS 376:1 St 279:6,25
--	--	---	---	---

280:6,15,21 281:8 283:4 284:17 296:4 304:5 308:8 313:10 335:14 337:3 363:16 374:10,11 377:2 378:8 379:2,8,11 staged 313:21,23 313:25 stages 370:25 standard 335:5 335:7,9 standing 289:11 325:12 345:15 347:13 start 293:24 336:7 360:21 366:18 state 284:18 315:7,15,18 316:23 327:23 334:15 361:17 361:18 362:4 366:4,4 376:1 376:4 stated 353:4 361:21 statement 318:15 334:18 362:7 368:1 statements 376:5 states 279:1 280:1 283:5 373:25 378:5 statistics 351:17 Stemmler 280:23 step 305:13,13 345:4,5 346:2 stereo 320:18 323:5 stick 311:11 sticking 334:25	STIPULATED 281:1,14 stock 328:12 stop 361:18 stopped 316:2 stories 317:17 storm 290:21 story 364:17,18 straight 310:3 344:3,4,12,15 345:2,12 346:4 346:18 street 280:20 325:16 326:4 357:8,19 stretch 286:15 strike 285:7 286:2 296:21 308:2 370:16 stronger 359:23 students 368:15 studio 319:21 320:20 323:11 studios 319:13 stuff 296:20 363:21 subscribed 376:15 378:15 subsonic 354:24 355:4,11 356:14 substantiate 296:8 successful 372:17,22 373:1 suffer 284:11 327:5 suffering 286:25 suggesting 337:4 Suite 280:14 379:7 supersonic 355:1,1,4,11 356:17,18 support 348:22	supposed 326:24 supposedly 314:18 328:14 330:5 334:16 357:15 sure 284:13 286:4 292:23 294:25 296:19 297:18,25 298:6 305:2 308:24 330:10 332:4,15 333:3 337:12,14 339:5 342:25 346:12 351:6,6 355:17 357:4,5 357:17 358:6 373:6 374:11 surely 307:11 surface 305:19 surrounding 305:16 suspect 294:21 357:1 suspected 308:9 SWAT 298:14 345:15 347:2 348:24 367:23 368:11,22 369:16,18,21 370:2,5 sworn 283:18 376:15 378:11 sympathetic 313:3,19 system 313:17 318:24 319:8 338:16 345:22 350:17 361:24 systems 354:16 <hr/> T <hr/> T 372:3 378:1,1 ta- 306:12 tactical 349:2 352:11 354:20 take 293:1 295:1	295:7 298:8 301:3 305:13 312:25 322:5 324:8 330:8 334:14 345:4 346:13 364:12 366:15 371:6 taken 279:11 281:4,11 282:13,15 294:17 295:10 295:16,24 296:3,5,5,8,24 306:12,13 310:3 313:21 315:9 328:5 335:21 336:1 342:17 343:5 372:18 373:6 378:12 379:14 takes 338:20 347:12 talk 353:21 talked 366:14 talking 317:22 332:21 356:10 371:11 tall 351:25 352:1 352:2 364:16 tape 335:16,17 336:15,17 344:5 345:2 teach 354:15 team 298:14 316:15 340:3 347:2 368:11 368:22 369:18 teams 369:17,21 370:2,5 technical 356:4 Technically 323:3 technician 335:8 338:22 348:8 351:22 353:2 technicians	304:6 348:9 365:24 technique 369:21 telephone 340:19 tell 287:3 289:13 289:18 292:5 297:22 298:16 298:21 301:7 301:10,14 302:24 317:17 342:22,24 343:4 350:2,6 360:23 363:7 378:11 ten 314:9 361:10 tens 353:22 361:20,22 362:5 terminate 305:25 terms 291:16 311:21 312:9 test 286:14,23 287:5 326:25 328:12,24 329:2,4 330:3 330:4 335:5,5 335:9,23 338:22 339:2 339:25 340:2,3 351:14 tested 327:25 328:3 testified 283:19 290:4 309:5 318:8 342:3 349:3 357:6,13 testify 291:24 292:1 318:12 328:4 342:1 365:17 testifying 341:8 testimony 288:1 288:25 290:25
---	--	---	---	--

300:16 302:3 303:6,8 306:3 309:19 317:6 317:15,20 318:6,17 336:12 337:11 337:14 348:8 351:21 357:12 358:22 tests 286:18 328:8 338:17 Thank 374:12 374:15,16,17 374:18,19 379:19 theorem 345:7 346:6 thin 344:12 thing 324:3 338:21 343:22 344:5 345:3,9 349:13 360:13 362:23 368:12 368:18 things 284:5 292:23 305:6 311:11 318:20 319:1 324:21 328:7 331:9,10 334:8 335:1,23 340:17 348:25 353:8 think 284:4 286:10 288:3,4 288:5 289:2,5 290:9,15 291:2 292:22 294:18 298:11,12 300:17 312:7 313:2 324:19 324:20 325:17 327:13 329:16 330:1 331:3,3 331:19,21 332:13 336:6 340:20,20	342:23 346:11 347:24 349:9 357:10,14 365:23 367:25 369:7 371:20 374:5 third 371:24 thought 296:10 311:16 332:7 thousands 353:23 361:20 361:22 362:5 threat 347:2,3 347:13,16 three 300:13 323:8 327:1 335:2 347:12 371:22 372:23 three-way 323:7 threshold 360:21 threw 295:18 thrown 313:22 time 283:8,9 294:19 316:1 316:22 317:25 321:17 326:21 336:1 341:2,14 345:22 360:24 361:8 365:11 365:16 366:9 367:16,17 370:10 372:24 373:8 374:14 374:20,25 time's 315:22 timeline 364:23 timer 360:14,16 366:14,16,17 366:18 367:10 368:8 times 328:6 334:3 350:24 353:23 360:22 361:20,22 362:6 363:14	364:9 366:19 368:13,14 timing 324:2 360:14 368:2 tissue 351:14 titled 284:17 289:24 today 283:7 285:1 289:8 291:24 297:21 300:16 307:2 325:4 329:7,25 330:23 331:2 333:5 336:4 342:21 346:16 357:3 365:14 371:20 374:13 374:13 told 291:19 337:21 tool 343:25 344:6 topic 373:17 Torres 279:3 280:3 283:3 377:2 379:11 Torres/Hamm... 326:1 torso 348:11 total 295:24,25 360:24 368:14 totality 314:20 towns 364:7 trace 305:4 307:18 309:14 348:9 349:18 traced 304:8 tracking 360:22 train 332:6 354:14 trained 296:19 347:3 368:10 training 296:13 296:24 297:2,8 354:15,20 360:18 367:24	368:7,18 370:12,20,22 trajectories 305:7 352:18 353:3 trajectory 298:25 299:3 301:10,14 302:10,24 305:11 306:16 306:16,19 307:3,6,7,10 343:18 344:1 344:21 345:16 346:3 transcribed 378:13 transcript 379:14,16,18 transcription 378:14 traveled 302:4 303:7 traveling 303:22 treble 323:10 trial 372:14 triangle 345:9 345:10 346:6,8 tried 288:3 311:11,15 373:1 trigger 309:18 366:8,10 367:11,21 368:23,25 369:3,4 triggered 313:3 triggers 360:21 trip 306:4 true 286:8,11 289:12 290:7 298:25 299:2 300:16 340:23 341:6,19,24 356:1 358:8 362:7,8 367:10	376:5 trust 335:2 353:1 trustworthy 332:12 truth 378:11 trying 324:23 331:9 347:8,10 347:17 350:18 352:13 tumbling 355:7 tune 323:9 324:4 324:7 turn 319:2 327:14 369:12 turning 287:15 300:21 302:7 302:20 two 285:9 287:11 292:23 302:22 303:2 313:2 317:16 318:20 319:16 338:17,23 343:15 347:4 347:12 355:3 369:5 371:10 371:18 two-hundredths 368:24 type 284:6 295:18 296:10 324:3 344:5,13 344:14 345:3 349:11 354:17 354:18 355:10 356:24 358:1,6 367:12 types 355:19 366:24 typically 324:23 354:13 <hr/> U <hr/> ultimately 372:23 unable 291:24
--	--	--	---	--

292:1 uncomfortable 319:3 understand 296:16 297:6 307:5 309:8 317:13 331:15 333:12 337:11 337:13,14 349:7 understanding 337:17 uniformly 318:8 318:14 unique 368:18 United 279:1 280:1 283:5 unmeasurable 306:20 unnecessary 370:7 untrained 368:3 updated 284:2,3 urban 363:3,13 363:17,24 364:2 use 292:14,16,16 292:17 306:15 318:22 319:23 320:9,19 321:25 322:2 322:15,16 323:3,19 340:14 344:4 346:6 356:14 356:17 360:17 361:5	vehicle 325:17 325:18 velocity 355:12 356:3 verification 352:17 verify 340:12 viable 311:21 312:8,19 video 279:10 281:3 299:13 313:5 315:1,8 315:12,13,16 315:23 316:1,7 316:11,20,25 317:2,8,12,19 318:4,17,23 320:24 321:7 321:22 322:4 322:13 323:20 324:15 325:2 325:10,21 326:15,19,20 326:22 356:23 357:7 358:12 358:14 360:3 364:24 365:20 366:2 374:22 379:14 videoconference 279:10 281:3 283:10,18 378:10 379:14 Videographer 280:23 283:1 374:20 view 288:13 340:14,22 352:21,25 viewed 290:7,24 visible 307:4 310:16 visit 293:2 298:11 299:2 visited 294:19 voice 360:20	voices 324:18 326:13 Vol 282:13,15 volume 279:10 281:3 283:2 315:23 319:2 354:5,6 374:21 377:1 379:13 vs 279:5 280:5 377:2 379:11 <hr/> W <hr/> Wait 285:6 waived 281:10 walk 302:15 310:2 319:10 walked 293:6 324:22 wall 287:19 289:6,11 290:11 291:1,2 291:4,8,10,13 291:16,23 292:13 294:9 294:15 301:19 302:13,15,16 302:17,18 303:3,24 305:25 307:15 307:15 308:6 309:7,14 310:4 310:8,20 313:7 313:8 314:17 314:17 342:8 347:20 wallpaper 301:22 304:9 304:10 walls 305:6,22 305:24 312:2 344:14 want 291:17 292:11 293:24 296:16,17,21 297:15 298:23 305:16 314:25 320:3 323:11	324:3,24 327:14 332:2 333:11 344:18 351:15 364:21 365:2 370:5,6 370:9 371:21 373:9,23 wanted 284:1,6 374:6 warrant 315:19 316:16 369:13 369:17,19 warrant' 315:21 warrants 370:10 wasn't 286:18 304:5 306:11 328:18 340:25 364:14 372:22 373:1 waste 341:2 watch 317:19 318:22 water 353:14 wave 324:7 359:23 waves 355:14 way 288:6 289:4 299:12 307:9 323:13,15 329:2 337:18 344:10 353:1 361:16 369:2 370:5 we'll 314:24 we're 283:24 290:19 294:23 344:16 349:4,6 360:12 361:7 367:25 368:15 371:10,15 373:17,17 we've 304:1 322:12 325:7 326:19 334:14 353:20 369:5,7 weapon 313:17	314:10 331:9 335:10,12 338:16,17 345:22 350:17 354:16 361:24 367:2 weapons 354:21 week 297:6 354:14 weight 355:23 weights 355:19 well-trained 352:14 went 326:14 349:23 372:25 weren't 287:6 308:9 324:23 Wheaton 280:19 WHEREOF 378:15 whizzes 355:7 whizzing 314:18 width 326:5 350:15 357:18 357:19 wife 370:6 372:24 window 305:23 307:16,20 312:2 313:15 313:16 325:17 325:19 358:20 358:21,23 359:1 windows 312:2 321:4 358:19 wiped 313:22 witness 283:18 284:25 286:17 286:20,22 287:12,20 288:15,19 290:19 311:4 321:20 322:11 330:12 341:13 373:10,13
---	--	--	--	---

374:19 378:10 378:15 witness' 343:12 343:16 wonderful 373:13 wood 343:24 364:8 word 304:19,22 work 344:13 361:22 372:15 workaround 369:20 worked 370:23 370:24 works 321:21 344:13 370:5 worse 313:20 wouldn't 286:14 286:15 287:2 290:14 325:4 334:19 341:16 342:6 350:19 353:8 356:16 358:19,25 371:8 wound 351:17 wounds 353:3 write 292:22 299:8 365:3 369:14 writing 299:8 wrong 309:5 wrote 292:25 X X 372:3 Y yard 326:5 357:20 yeah 289:19 297:1,18 299:14 303:1 303:13 318:1 321:18 322:14 340:24 343:17	344:3,23 345:2 351:4 358:2,4 361:1 362:15 364:3,25 367:9 371:17 372:12 373:10 years 292:24 327:1 332:15 335:2 367:24 368:7,8 yell 316:15 yells 315:21 Yep 320:15 343:15 Z zero 366:17 Zoom 279:10 280:15,21 281:3 283:17 378:9 379:14 0 084-002993 279:20 378:22 1 1 283:2 344:17 366:20 10 353:20 361:25 366:3 368:1 1012 279:20 378:23 11 284:1,3 285:17 287:22 289:1 290:24 315:6,15,17 327:22 364:22 364:22 368:23 12 290:10,25 362:17 1200 280:20 13 366:6,12 368:20,24 14 290:8,8 291:8 303:21 313:5	365:3 147 356:13 15 290:6 296:5 313:5 17 293:25 301:3 301:4,11 379:4 17th 378:16 180 331:1 332:25 333:1 19 365:3 367:23 2 2 344:18 349:25 366:21 20 296:4,5 301:13,15 302:4 353:14 362:18 2017 331:24 2019 298:4,7 342:24 2020 279:12 281:6 283:7 284:1,3 287:22 289:1 376:16 378:7,16 379:4 2033 279:24 281:7 378:8 379:1 211 280:14 379:7 22 301:9,24 302:12,22 346:12 349:20 350:17 223 298:18 303:21 304:5,6 304:9 310:18 311:12,18 313:5,9 314:6 314:7 343:8 354:8 365:6 23 302:7 25 365:5,9 27 302:20 283 279:15 284 282:19	288 282:13,15 290 282:11 293 282:21 2D 305:9 3 3 344:18 347:22 366:5,21 3:50-3:58 316:1 30 326:4 357:7 368:8 306 282:17 308s 363:22 311 298:14,20 303:20 314:16 314:18 314 280:20 314)680-2424 379:2 315 282:3 32 282:21 293:24 301:3,5 327 282:5 329 282:7,9 35 343:20 346:17,24 347:15 372 279:16 373 279:15 39 333:13 338:25 363:7 3D 305:8,9 4 4 353:11 366:21 4:07 283:8 4:19-CV-1525... 279:5 280:5 283:5 377:3 379:11 40 368:7 400 333:11 4050 280:14 379:7 5 5 324:5	5.56 313:17 340:11 50 297:24 361:9 55 363:17 6 6 373:24 6:13 374:20,25 63102 280:15 379:8 63103 280:21 63143-1215 279:25 379:2 7 7 331:24 7.62 327:24 333:13 338:25 340:8,12 362:17 363:7 367:21 7.62x39 368:3 70 297:15 365:23 75 357:21 8 8 279:12 281:6 283:7 306:10 378:7 80 297:15 326:6 365:25 9 9 294:8,15 298:19 301:8 307:16,18 312:5 354:8 356:12,16,21 367:4 90 356:17 365:25
--	---	---	--	--